THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 19th March 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.
Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.
Krishnan Nayar, The hon. Diwan Bahadur M.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hameed Khan Sahib Bahadur.
Abdul Hye Sahib Bahadur, K.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Adinarayana Chettiyar, Mr. T.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bhaktavatsulu Nayudu, Mr. P.
Bhanoji Rao, Mr. A. V.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotton, C.I.E., I.C.S., Mr. C. W. E.
Dorai Raja, Mr. S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gnanavaram Pillai, Mr. P. J.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Guruswami, Rao Sahib L. C.
Harisarvottama Rao, Mr. G.
Hearson, Mr. H. F. P.
Hilton Brown, I.C.S., Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnaswami Ayyar, Mr. Alladi.
Kumara Raja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendra Bahadur Varu).
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Madhavan Nayar, Mr. K.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Moidoo Sahib Bahadur, Khan Sahib T. M.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara *alias* Kumaran Raman, Mr.
Muthulakshmi Reddi, Dr. (Mrs.)
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappah Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayana Rao, Mr. Mothay.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Narayanaswami Pillai, Mr. T. M.
Obi Reddi, Mr. C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Raja of Jeypore (Maharaja Sri Ramachandra Deo).
Rajan, Mr. P. T.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Ratnasabhapati Mudaliyar, Rao Bahadur C.S.
Robertson, Mr. R. J. C.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Sivasubrahmanya Ayyar, Mr. K. S.
Slater, C.I.E., I.C.S., Mr. S. H.
Soundarapandia Nadar, Mr. W. P. A.
Souter, I.C.S., Mr. C. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Swami, Mr. K. V. R.
Tajudin Sahib Bahadur, Syed.
Tampoe, I.C.S., Mr. A. McG. C.

PRESENT—*cont.*

Thomas, Mr. Daniel.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapati Raju, Mr. P. C.
Venkataramana Ayyangar, Mr. C. V.
Venkatrangam Nayudu, Mr. C.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Wright, Mr. W. O.
Zamindar of Gollapalli (Srimannarayana Appa Rao Bahadur Garu, Meka).
Zamindar of Kallikota (Sri Ramachandra Mardaraja Deo).
Zamindar of Mirzapuram (Mirzapuram Raja Garu alias Venkataramayya Appa Rao Bahadur Garu).
Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Pandiya Tevar Avargal).

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Assignment of lands

Alleged disabilities of the Catholic Churches in South Kanara.

* 1778 Q.—Mr. J. A. SALDANHA : With reference to the answer given to my question No. 1557 on the 28th February 1929 regarding the alleged disabilities of the Catholic Churches in South Kanara, will the hon. the Member for Revenue be pleased to place before the Council the opinion given by their Legal Adviser to the effect that the properties of all Catholic Churches in South Kanara are vested in the Pope and to obtain their opinion on the point whether the said properties are vested in the Pope as owner or Supreme Administrator ?

A.—The answer to the first part of the question is in the negative. As regards the second part of the question, the Government will take legal opinion on the point referred to should they consider it necessary to do so for any purpose.

Mr. J. A. SALDANHA :—"May I know with regard to the first part of the question, what objection is there for Government to place the opinion of the Legal Adviser before this House or to give it to me if it is not a confidential matter ?"

The hon. Sir NORMAN MARJORIBANKS :—"Because Government do not think it is in the public interests to publish the opinions given by their Legal Adviser."

Mr. J. A. SALDANHA :—"With regard to the second point the answer given is that Government will take legal opinion on the point referred to should they consider it necessary to do so for any purpose? May I enquire what they mean by 'purpose'?"

The hon. Sir NORMAN MARJORIBANKS :—"The purpose which Government consider sufficient."

Survey

Districts in which survey and settlement operations are to be taken up in 1929–30.

* 1779 Q.—Mr. K. V. R. SWAMI : Will the hon. the Member for Revenue be pleased to state in which districts, if any, the survey and settlement operations would be taken up in 1929–30 ?

A.—In 1929-30 survey operations will be taken up in the following districts:—

(1) Ganjam (mainly the survey of Bodhokimedi estate);
(2) West Godavari (canal irrigated non-Government villages of the Ellore taluk);
(3) Tanjore (Cauvery-Mettur project);
(4) Salem (Omalur and Uttangarai taluks);
(5) Malabar (Chirakkal and Calicut taluks); and
(6) South Kanara (Kumari villages).

Settlement operations will be in progress in the following districts:—

East Godavari, West Godavari, Kistna, Salem, Malabar and South Kanara.

Mr. K. V. R. SWAMI:—"May I know when the settlement operations in the East Godavari and West Godavari districts will be completed?"

The hon. Sir NORMAN MARJORIBANKS:—"They will be completed when the decision is come to regarding the rates."

Mr. D. NARAYANA RAJU:—"May I know whether the present settlement operations will be brought to a close on the basis of the existing rates, leaving the alteration of rates to be dealt with by the ordinary Revenue Establishment?"

The hon. Sir NORMAN MARJORIBANKS:—"That is the idea, but we may probably need some supervising staff for the operations to be properly done."

Mr. D. NARAYANA RAJU:—"May I know whether according to the original programme the settlement operations have to come to a close during the current fasli?"

The hon. Sir NORMAN MARJORIBANKS:—"That may have been an optimistic anticipation, Sir."

Sriman BISWANATH DAS Mahasayo:—"Regarding item No. 1 in the reply may I know whether the Bodhokimedi estate is surveyed under the provisions of Chapter 11 of the Estates Land Act and may I know whether the operations will stop with survey or record of rights or also settlement of rents?"

The hon. Sir NORMAN MARJORIBANKS:—"I must ask for notice, Sir. I do not recollect."

Sriman BISWANATH DAS Mahasayo:—"May I ask whether the Leader of the House knows that survey and record of rights form part of the operations and that it would be a hardship on the ryots to effect only survey, leaving aside record of rights?"

The hon. Sir NORMAN MARJORIBANKS:—"I do not fully follow the hon. Member, but I note his opinion in the matter."

Mr. D. NARAYANA RAJU:—"May I know whether the settlement parties will be instructed to complete all the fair accounts on the basis of the existing rates, leaving alteration of rates to be settled later on?"

The hon. Sir NORMAN MARJORIBANKS:—"The present instructions are to that effect."

[19th March 1929

Mr. K. R. Karant :—" May I ask, with reference to the settlement operations in South Kanara, whether they consist only in bringing books up to date or also of revising, the classification and altering the rates of assessment ?"

The hon. Sir Norman Marjoribanks :—" They are at present engaged in writing up changes and dealing with objections from those concerned, but whether they will be alteration of rates is a matter for the future."

Mr. C. Ramasomayajulu :—" May I take it that the Government have no idea of postponing these operations till a Land Revenue Bill is brought into effect or have they got any idea of bringing in a Land Revenue Bill ?"

The hon. Sir Norman Marjoribanks :—" The operations in progress are necessary for the administration whether there is a Land Revenue Bill or not."

Wild animals

Issue of gun licences for protection against wild animals in the Kottayam taluk, Malabar.

* 1780 *Q.*—Mr. K. Uppi Sahib : Will the hon. the Member for Revenue be pleased to call for the information and state—

(*a*) how many persons and cattle have been killed by tigers and wild animals in Malabar, especially in the Kottayam taluk of Malabar district during 1928 ;

(*b*) how many applications for gun licence from the interior amsams of the said taluk were received by the District Magistrate of Malabar in 1928 and how many of them were granted and how many were rejected ;

(*c*) whether Government have received any complaints that wild animals do great havoc to agriculturists in the amsams of Arlam, Thillangeri, Kizhoor and Kannavam and other neighbouring amsams ;

(*d*) what is the number of gun licence-holders in those amsams ; and

(*e*) why more licences have not been issued ?

A.—(*a*) Nineteen persons were reported to have been killed by wild animals and snakes in the Kottayam taluk during 1928—one by an elephant, five by tigers and thirteen by snakes. The total number of persons reported to have been killed by wild animals in the whole district during 1928 was 193 (seven by elephants, five by tigers, three by other animals and 178 by snakes). The number of cattle reported to have been killed by wild animals in the Kottayam taluk during the year was 420 and the total for the whole district was 2,081.

(*b*), (*d*) & (*e*) A report has been called for.

(*c*) No.

Mr. Abdul Hameed Khan :—" In view of the fact that such a large number of persons as 193 were killed in the Kottayam taluk and about 2,081 were killed by wild animals in the whole district, may I know from the Government what steps they have taken to prevent this sort of ravage by wild animals in the district ?"

The hon. Sir Norman Marjoribanks :—" I can only say that Government give rewards to those who kill animals."

Mr. J. A. SALDANHA :—"If that is the reason, may I know why Government have reduced the amount for the next year? As a matter of fact, there is a reduction in the amount for the purpose."

The hon. Sir NORMAN MARJORIBANKS:—"I am obliged to the hon. Member for the information. I do not know it myself."

Mr. ABDUL HAMEED KHAN :—"May I know whether, apart from these rewards, any other step is taken by Government?"

The hon. Sir NORMAN MARJORIBANKS :—"I must ask for notice. I personally am not aware of any."

Mr. K. V. R. SWAMI :—"Will the hon. the Revenue Member see that these rewards are increased as there are so many deaths?"

The hon. Sir NORMAN MARJORIBANKS :—"That is a matter which is periodically considered. If the hon. Member wishes it to be considered as regards the Kottayam taluk, I will be glad to do so, having regard to the special knowledge that I have of the tract."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know whether any present is given for killing snakes, because more people were killed by snakes according to the list given in the answer?"

The hon. Sir NORMAN MARJORIBANKS :—"I believe not, Sir."

Education

The disciplinary action taken against the Law students who took part in the political functions.

*1781 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether any students attended the function of the presentation of addresses of welcome to the Simon Commission on 18th February 1929 at Madras and if so, in what colleges they are reading and in what classes;

(b) whether the educational authorities or college authorities have taken any disciplinary action against them for attending the said political function;

(c) whether the Principal of the Law College has dismissed three students of the Law College for absenting themselves from the College on 18th February 1929;

(d) what is the punishment ordinarily given to any student for absenting himself from the Law College for one day;

(e) whether the Principal Mr. Ruthnaswamy has consulted the Director of Public Instruction in the matter and if so, what advice the Director gave him;

(f) whether the said Principal has also consulted the hon. the Chief Minister in the matter and if so, what instructions he has given him; and

(g) whether the Government intend interfering in the matter and restoring the students to the college cancelling the orders of the Principal?

A.—(a) & (b) The Government have no information.

(c) Prior to the arrival of the Simon Commission some students of the Law College were known to be organizing a strike and the Principal warned them that such action would entail forfeiture of their term certificates as being subversive of college discipline. Three students who had organized the strike

contrary to the warning were absent from the college on the 18th February last. They were informed that, as the warning had been disregarded, they would not get their conduct certificates although they might attend the college. One of the three students tried to organize a strike in the college just after the 18th as a protest against the Principal's action. He was, therefore, sent away from the college for the rest of the term.

(*d*) Each case is dealt with on its merits.

(*e*) The Government have no information.

(*f*) The Principal informed the Minister of the action he proposed to take for maintaining the discipline of the college.

(*g*) The answer is in the negative.

Mr. A. KALESWARA RAO :—" May I know what instructions or order the hon. the Chief Minister gave to the Principal of the Law College ? "

The hon. Dr. P. SUBBARAYAN :—" It is clearly pointed out in the answer that no instructions were ordered to be given by the Chief Minister at all."

Mr. A. KALESWARA RAO :—" May I know whether it is a fact that the Principal himself told the students that he was willing to take them but that the Minister is against their being taken back ? "

The hon. Dr. P. SUBBARAYAN :—" I am not aware of any such thing being said by the Principal."

Mr. A. KALESWARA RAO :—" May I know that the strike alleged to have been organized after the 18th was a voluntary one by the students themselves ? "

The hon. Dr. P. SUBBARAYAN :—" That is not the opinion of the Principal, but that may be the opinion of the hon. Member."

Mr. A. KALESWARA RAO :—" May I know whether S. Gopalakrishnan who was sent away from the college was remarked that he is ' emotional ' ? "

The hon. Dr. P. SUBBARAYAN :—" He was sent away for the reasons stated in the answer "

Mr. P. ANJANEYULU :—" As regards answer (*c*) in line 2, it is stated that some students of the Law College were known to be organizing a strike. May I know what for was this strike ? "

The hon. Dr. P. SUBBARAYAN :—" Strike to absent themselves from the college."

Mr. P. ANJANEYULU :—" On what day ? "

The hon. Dr. P. SUBBARAYAN :—" On the 18th."

Mr. P. ANJANEYULU :—" Why, Sir ? "

The hon. Dr. P. SUBBARAYAN :—" They know it best."

Mr. P ANJANEYULU :—" Supposing it is for the Simon Commission, is that a strike against the authorities, I ask ? "

The hon. Dr. P. SUBBARAYAN :—" It was, as understood by the Principal, a strike against the college authorities."

19th March 1929]

Mr. P. ANJANEYULU :—" The answer given to (a) and (b) is that Government have no information. May I know whether the hon. Minister took any pains to get the information, to ascertain the sentiments of the students in the matter and the conduct of the Principal ?"

The hon. Dr. P. SUBBARAYAN :—" I do not think there is any necessity to ascertain the information."

Mr. P. ANJANEYULU :—" May I know whether the Principal was the same person who once presided over the deliberations of this House, the same Mr. Ruthnaswami ? "

Mr. K. MADHAVAN NAYAR :—" Was it brought to the notice of the hon. the Chief Minister that certain students when they gave a farewell party to the Principal expressed that he was not responsible for the dismissal and that he, the Principal, did not categorically deny that he was not responsible and that if he was not responsible, may I know who was responsible for that action ? "

The hon. Dr. P. SUBBARAYAN :—" I am not aware of any such statement."

Mr. A KALESWARA RAO :—" How many students were absent on that day, may I know ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think any students were absent that day as far as I am aware."

Mr. A. KALESWARA RAO :—" Whether it is not a fact that about sixty or seventy or even eighty absented themselves from the college that day ? "

The hon. Dr. P. SUBBARAYAN :—" That is the average number of absentees every day."

Mr. A. KALESWARA RAO :—" May I know whether some of the parents themselves wanted that their children should be absent from the college ? "

The hon. Dr. P. SUBBARAYAN :—" I am not aware of parents interfering with the discipline of the college. If they do so, they do not deserve to send their children to the college."

Mr. P. ANJANEYULU :—" May I know whether by punishing the students like that, the Government desire to pursue a policy of stifling the political aspirations of Indian students and graduates ? "

The hon. Dr. P. SUBBARAYAN :—" Certainly not."

Mr. S. SATYAMURTI :—" With regard to (a) and (b) the answer given is that the Government have no information. May I know whether the Government would call for the information contained in the question, namely, with reference to the students that attended the function of the presentation of the addresses of welcome to the Simon Commission ? "

The hon. Dr. P. SUBBARAYAN :—" I have information on that. I believe some of them did attend the function."

Mr. S. SATYAMURTI :—" May I know whether the Government have made any enquiries as to whether these students belong to any Government institution and whether any action was taken against them ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think there is any necessity to take action."

[19th March 1929

Mr. S. SATYAMURTI :—" May I know the reasons from the Government why those gentlemen who welcomed the Simon Commission may be allowed, while those who organized hartal are punished ? "

The hon. Dr. P. SUBBARAYAN :—" The Government have made no such statement."

Mr. S. SATYAMURTI :—" May I know why the Government do not consider it necessary to call for the information asked for ? "

The hon. Dr. P. SUBBARAYAN :—" It was not the taking part in the hartal that was objected to, but what was objected to was the organization of a strike."

Mr. S. SATYAMURTI :—" May I know whether the organization of a welcome on behalf of the college students to the Simon Commission is part of the discipline of the college ? "

The hon. Dr. P. SUBBARAYAN :—" That was not done in the college as I have repeatedly pointed out."

Mr. S. SATYAMURTI :—" With reference to the last sentence of the answer to clause (c) that the student was sent away from the college for the rest of the term, may I know whether the student is going to be admitted during the next term ? "

The hon. Dr. P. SUBBARAYAN :—" That is within the discretion of the Principal of the Law College."

Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know whether the students who took part in the presentation of these addresses have attended the college or absented themselves that day ? "

The hon. Dr. P. SUBBARAYAN :—" I believe they attended the college."

Mr. S. SATYAMURTI :—" How does the Minister know this, Sir ? "

The hon. Dr. P. SUBBARAYAN :—" That is my information, Sir."

Mr. S. SATYAMURTI :—" From whom, Sir ? "

The hon. Dr. P. SUBBARAYAN :—" From the Principal of the Law College."

Mr. S. SATYAMURTI :—" Only the Law College students attended the function ? "

The hon. Dr. P. SUBBARAYAN :—" There were others. I think the question refers only to the Law College."

Mr. A. KALESWARA RAO :—" May I know how many students of the Law College attended the Simon Commission welcome ? "

The hon. Dr. P. SUBBARAYAN :—" I am not sure about the number."

Mr. A. KALESWARA RAO :—" May I know whether the hon. Mr. Ramadoss Pantulu asked his son not to attend the college and in pursuance of that his son did not attend the college that day ? "

* The hon. the PRESIDENT :—" It is furnishing information."

Mr. K. R. KARANT :—" May I know whether the hon. Minister did or did not advise strong action in this case to the Principal ? "

The hon. Dr. P. SUBBARAYAN :—" As I said, the Minister has nothing to do with the discipline of the college."

19th March 1929]

Mr. P. Bhaktavatsulu Nayudu :—" How did the hon. Minister know that particular part of the information that the students attended the college after the harbour function ? "

The hon. Dr. P. Subbarayan :—" Because of the nature of the question asked by some hon. Members."

Mr. Basheer Ahmed Sayeed :—" May I know whether it is a rule that principals of colleges always inform the Minister as to the action they propose to take against students for the maintenance of discipline ? "

The hon. Dr. P. Subbarayan :—" There is no such rule of that kind."

Mr. Basheer Ahmed Sayeed :—" May I know whether the Minister agreed with the Principal when he was informed of the proposed action ? "

The hon. Dr. P. Subbarayan :—" The Minister entirely agreed with the action taken by the Principal of the Law College."

Mr. Basheer Ahmed Sayeed :—" May I know the grounds on which the Minister agreed with the action of the Law College Principal ? "

The hon. Dr. P. Subbarayan :—" Because I thought what the Principal did was best to pull up the college which had gone down in tone and discipline."

Mr. A. Kaleswara Rao :—" May I know whether there was any strike organized within the premises of the Law College ? "

The hon. Dr. P. Subbarayan :—" It was because Mr. Gopalakrishnan threatened to organize a strike that he was sent away from the college."

Municipalities

Exemption to the Cocanada municipality from payment of instalment of the electricity loan payable in March 1930.

* 1782 Q.—Mr. C. Ramasomayajulu : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Cocanada Municipal Council passed a resolution requesting the Government to exempt the Municipality from payment of the instalment of the electricity loan payable in March 1930 and receive the same in instalments beginning from March 1931 onwards ; and

(b) whether the Government have passed any and, if so, what orders thereon ?

A.—(a) Yes.

(b) A copy of G.O. No. 1019, L. & M., dated 28th February 1929,[a] is laid on the table.

Religious and charitable endowments

Temple committees in the Chingleput district.

* 1783 Q.—Mr. C. N. Muthuranga Mudaliyar : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the Government have decided to nominate again members of Temple committees in the Chingleput district ; and

[a] Printed as Appendix on page 440 infra.

[19th March 1929

(b) if answer to (a) be in the affirmative, why the Government have not thrown open the committees to election ?

A.—(a) Yes.

(b) As it was not found possible to do so.

Mr. C. N. MUTHURANGA MUDALIYAR :—" With reference to the answer to clause (b), may I know what stands in the way of holding elections ? "

The hon. Dr. P. SUBBARAYAN :—" The Hindu Religious Endowments Board advised Government that it was not found possible to hold the elections now."

Mr. C. N. MUTHURANGA MUDALIYAR :—" Is it in accordance with the existing Endowments Act to continue to nominate members to the Temple Committees ? "

The hon. Dr. P. SUBBARAYAN :—" It must be."

Public Health

Improvements to the Victoria Caste and Gosha Hospital.

* 1784 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR : Will the hon. the Minister for Public Health be pleased to state—

(a) when the revised estimates for certain improvements to the Victoria Caste and Gosha Hospital were sanctioned by Government ;

(b) how long the Public Works Department was engaged in preparing this revised estimate ;

(c) what is the amount of the original estimate and that of the revised estimate ;

(d) when the work will be put in hand ; and

(e) what funds are to be allotted for expenditure in 1929-30 on the above work according to the budget proposals now under the consideration of the Government ?

A.—(a) The revised estimate has not yet been sanctioned.

(b) A complete statement of the requirements of the Victoria Caste and Gosha Hospital and the Lady Willingdon Medical School for Women was furnished to the Chief Engineer by the Surgeon-General in September 1927. The revised plans and estimates were received through the Surgeon-General in February 1928.

(c) The scheme as originally drawn up by Major-General Symons (the then Surgeon-General) was estimated to cost Rs. 8·55 lakhs. It was subsequently found that the scheme did not include several essential items of work. The amount of the revised estimate received in February 1928 was Rs. 14·50 lakhs, but this has, after careful scrutiny in consultation with the Surgeon-General and the Chief Engineer, since been reduced to Rs. 12·25 lakhs.

(d) It is not possible to say exactly when the work will be put in hand. The scheme will be placed before the Legislative Council for approval shortly. Detailed plans and estimates have also to be prepared.

19th March 1929]

(e) No provision for the work has been included in the Civil Budget Estimates for 1929–30 as it is proposed that the expenditure during the first year should be met from the proceeds of the invested funds forming the endowment of the hospital.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—"Sir, as the repairs are very urgent, may I request the hon. the Minister to visit the place and satisfy himself whether the need is not urgent?" 11-15 a.m.

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I shall visit the place and ascertain the urgency of the matter and then I shall, if necessary, expedite the most urgent matters."

Mr. ABDUL HAMEED KHAN :—"May I know whether the hon. the Minister has visited any hospitals before?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I have visited a large number of hospitals; and I generally visit them before giving the final sanction."

Mr. ABDUL HAMEED KHAN :—"If so, may I know why he has not chosen to visit this hospital?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Because the plans and estimates are not yet ready, and when they are ready I shall go and visit the place."

Mr. ABDUL HAMEED KHAN :—"In view of the fact that the matter is an urgent one why did he not visit it beforehand?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The need is already known and how far the need can be satisfied is the subject under consideration and when the scheme is ready I shall visit the hospital."

Supply of clothing and bedding to the hospitals by the jails.

* 1785 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the jails are able to manufacture and supply in time all the clothing and bedding required for the hospitals; and

(b) if not, what arrangements are made for meeting this need?

A.—(a) & (b) Generally the Jail Department is able to supply all the articles required. On the very rare occasions when it is not able to supply any article, it is purchased locally.

The Advisory Committees constituted for the District Headquarters hospitals.

* 1786 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Public Health be pleased to state—

(a) how many of the advisory committees constituted for the district headquarters hospitals are functioning properly; and

(b) whether the Government propose to extend this committee system to all hospitals under their management?

A.—(a) From a report on the working of the advisory committees received in August last, the Government observe that the committees generally have not taken as much interest in the administration of the hospitals as they expected. They have

[19th March 1929

asked the Surgeon-General to prepare a memorandum on the composition and functions of these committees for circulation to members with a request that they should take an active interest in the administration of the hospitals.

(*b*) The Government propose to extend the system to the taluk headquarter hospitals recently provincialized.

Mr. A. B. Shetty :—" May I know why these advisory committees are not taking part in the administration of the hospitals ? "

The hon. Mr. S. Muthiah Mudaliyar :—" So far as I am aware, it is due to the indifference of some members who constitute the committees."

Mr. A. B. Shetty :—" May I know whether the Government propose to change the composition and revise the functions of these committees ? "

The hon. Mr. S. Muthiah Mudaliyar :—" If any suggestions are given in that direction, they will be considered."

UNSTARRED QUESTION

Labour

Strike in the Chittivalasa Jute Mills.

1787 Q.—Mr. P. C. Venkatapati Raju : Will the hon. the Home Member be pleased to state—

(*a*) whether the Government are aware that workers numbering about 3,700 have struck work since 16th January last in the Chittivalasa Jute Mills Company, Ltd., Chittivalasa ;

(*b*) what the reasons for the strike are ;

(*c*) whether it is a fact that the police of Vizagapatam are interfering with the free movements of the strikers and are intimidating them to resume work ;

(*d*) whether the Government have received any communication on behalf of the strikers ; and

(*e*) if so, what steps the Government have taken in the matter ?

A.—A strike occurred in the Jute Mills at Chittivalasa on 17th January 1929 in which about 2,000 men were involved. The main cause of the trouble appears to have been the refusal of the management to give the workmen a bonus. The strike ended on 4th March 1929 and the workmen resumed work on 5th March 1929. A representation on behalf of the strikers was received from the Chittivalasa Labour Union but no complaint was made about police interference. Under instructions from Government the Commissioner of Labour went to Vizagapatam to look into the matter.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II

MOTIONS ON THE BUDGET FOR 1929-30

DEMAND XIII—GENERAL ADMINISTRATION—MINISTERS AND CIVIL SECRETARIATS—TRANSFERRED—*cont.*

* The hon. the PRESIDENT :—" The Council will now pass on to the next item in the agenda, viz., the debate on Mr. Satyamurti's motion."

* Mr. S. SATYAMURTI :—" Sir, in addition to what I said yesterday I want to mention one or two points. Sir, on the 21st March 1927 my hon. Friend from Chittoor said : 'The reason is, if even under diarchy any satisfactory work is to be achieved and in a manner acceptable to the popular portion of the House, it must be with the Ministers who have a certain amount of backing of their own party, so that they can assert at all times as against the bureaucracy. With a weak Ministry and a weak following the Ministers will not have that consciousness of power which they ought to have.' Sir, I rely upon the words 'with Ministers who have a certain amount of backing of their own party.' I ask my hon. Friend from Chittoor, for whose patriotism and shrewdness I have the greatest respect, whether to-day the conditions have changed even to a slightest extent from that when he uttered these words ? Then, Sir, my hon. Friend the hon. the Law Member with his accustomed frankness and expansiveness (laughter) said : 'My friend Mr. Muniswami Nayudu has stated that it is only with the aid of their friends on the Swarajist benches that these Ministers can stand. That shows that power is divorced from responsibility. This is the negation of all principles.' May I ask the hon. the Law Member whether the conditions have changed to a slightest extent to-day ; whether the power to-day is not the power divorced from responsibility, and whether it is not a negation of all principles ? Then, Sir, on the same occasion my sweet-tongued friend from Nellore (laughter) said : 'Autocracy cannot be encouraged by this House, and I hope the Swarajist Members who are out for democracy and for Swaraj and for throwing down this diarchy with the large numbers at their disposal will certainly think of throwing out the Ministry and of occupying the Treasury benches themselves.' Thus, he said that the country is against autocracy and that when the Chief Minister stands for autocracy this House should rise as one man against that autocracy. Now, Sir, on the 24th August 1927, my hon. Friend from Tinnevelly, who, I am afraid, has not yet turned up (laughter) said : 'He has told us the present Ministers are not the representatives of any party that he could think of. I cannot do better than stating only what a leading member, and an eminent member of the Ministerial party said in the course of a post-prandial speech which he made at a dinner given in honour of the Chief Minister. He said, Sir, shortly after the elections and that when the process of Ministry-making was on the anvil three hon. Members met and formed that party from which hon. Members have been drawn ; it was a frank and a true statement also. That three became seven afterwards, and gradually swelled into the size of a dozen and a half which it was at the time the hon. Gentleman spoke.' He then went on in this vein and characterized the Ministry thus : 'I say, Sir, that even to-day they have not got the necessary elected strength, and to entrust the administration to the hands of a body which does not represent any definite

[Mr. S. Satyamurti] [19th March 1929

political opinion is the most disastrous thing that can happen to the country.' Then, Sir, the motion was pressed for a vote and, in it, 56 elected members voted for the motion and 33 elected members against, of whom seven have crossed the floor, since then; and the result is the Ministry is now functioning with no elected majority.

"Then, Sir, the policy of the Swarajists was more than once reiterated, namely, that of preventing any Ministry functioning under diarchy. The Coimbatore resolution was passed soon after and the Justice party, it was thought, would vote with us. I want to remind that party whether they think that this Ministry has any backing from the elected members. Lastly, Sir, on the 20th March 1928, the present Law Member, Mr. Kumaraswami Reddiyar, Mr. Ramachandra Reddi, and you will remember, even our present Excise Minister—all of them tabled motions of no confidence against the Ministry. The position of the Justice party was explained by the late Raja Sahib of Panagal in very cautious words, which are characteristic of him. He said: 'I am not sure why you should oppose this Ministry; why not wait and see how it will conduct itself?' These were the words of the then leader of the Justice party on the 20th March 1928. The Justice party waited and waited; what did it see? What has this Ministry done? Has it redeemed any of its pledges? It seems the Raja Sahib of Panagal merely gave a lease of life to this Ministry. Now, it has functioned; and I think I am right in saying that it has failed to justify itself in any manner.

"Now, I wish to offer my sincere congratulations to the Justice party on its decision to admit within its fold members of all communities. I think it is a great advance in the political life of this province. I see there germs of the rise of a political party formed not on ante-natal circumstances of birth, but on sound principles of politics. On this matter, I wish to support what I want to say by quoting the following lines from the *Madras Mail* which cannot be said to be supporting any revolution and which is considered to be a friend of the non-Brahmans: 'Apparently, the several non-Brahman groups have not actually united, but arrangements are to be made to avoid as far as possible non-Congress non-Brahmans contesting the same seats.' Sir, this is said by a paper which is considered as a friend of the non-Brahman cause."

Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No." (Laughter.)

* Mr. S. SATYAMURTI:—"The paper continues: 'This arrangement may secure fewer three-corner or four-corner contests, but unless there be some arrangement for a common political platform, it savours of that bargaining which brought disaster to the Liberals at the last General Election in Great Britain. And if there be a common election programme and an agreed platform, there is little justification for perpetuating the present groupings.' (Interruption from the Justice party benches.) Now, Sir, I must submit that there is very little difference on one matter, and for the present, between the Justicites and the Swarajists. We said we would not accept office; they too said so in the Coimbatore Conference; we did not vote against the Ministry; they voted for the Ministry; and lastly we said that we would boycott the Simon Commission and they too said so in so many words. Certainly they change their views quickly. Therefore it seems to me that they must follow what the *Madras Mail* says.' (Cries of no, no.)

19th March 1929] [Mr. S. Satyamurti]

"Sir, I am not saying this from any personal or communal or party point of view. I have no personal grudge against any of the Ministers; I claim them all as my friends; and, in fact, some of the members of the Justice party are my staunch friends, and I value their friendship as of high value. Therefore I suggest that, in the interests of establishing democracy in future in this province, a sense of responsibility should be developed in this House. Sir, I say this not in a partisan spirit, not with a view to secure party triumph, but with an anxiety to see that sound democracy is established in this province. And, to that end, I appeal to my 'Justice' friends to see that each party stands on a programme of its own, and that no party is returned or allowed to hold office that has no political programme behind it. For these reasons, I move to reduce the allotment of Rs. 2,38,000 for Ministers by Rs. 100."

* Mr. BASHEER AHMED SAYEED :—"In seconding the proposition moved by my Friend, Mr. President, I do not want to traverse the ground that has already been covered by the learned Member for the University. The constitutional issues and all the history of the ministerialist policy and programme have been well brought out by the hon. Mover of the proposition. I would only like to state a few facts with special reference to particular events. I presume, Mr. President, hon. Members of this House have read the proceedings of the Bengal Council, where Ministers were charged with corruption, with having received bribes and given bribes. I stand here, Sir, to charge the Ministers of this Government also with corruption, not the corruption of the type which has been brought to light in the Bengal Council but of a different type. No doubt, Sir, Ministers are honourable men. They might not have received bribes or given money by way of bribes. But the way in which they have exercised the power of nominations, appointments and so many other things, and the manner in which they have exercised the patronage which comes within their province, not excluding the dinners and tea parties and so many other things—it is a long list which cannot be exhausted—in one word, the way in which these Ministers have conducted themselves in these various matters is nothing short of rank corruption. And what has been the result of their administration for these 2½ years, especially that of the hon. the Chief Minister? What has happened to the educational progress of this Presidency? I ask the Chief Minister what advance has he made in the direction of progress of education amongst particularly backward communities. I may here refer to the case of the Muslim community in particular. There has been no scheme in general for the mass education of the people of this Presidency. But from time to time facilities were asked for for the progress of education among the Muslims, and among the other backward communities. The Minister has always haughtily and insolently repudiated and denied the affording of any facilities to them. The simple question of providing conveyances for the gosha girls to go to schools, falling within the portfolio of the hon. the Chief Minister, the provision of lady doctors in the hospitals and dispensaries in the Presidency for the sake of gosha ladies and invalids, and such other small and simple and minor things even have not been attended to by these Ministers who are holding the respective portfolios. The administration of the local boards, the district boards, the taluk boards and the municipalities is a very miserable story. Members of municipalities have defied the Minister's orders. The Salem District Board, the

11-30 a.m.

Municipality of Chidambaram, the Municipality of Pollachi and various other bodies have defied the Minister's authority and the Minister felt himself quite incompetent and impotent to remedy the deplorable state of affairs that prevailed and prevail even to-day in several of the municipalities and local boards. He once issued a fiat that such and such a municipality or board should be dissolved and then he ate the humble pie. The Government have no doubt submitted a progressive memorandum to the Simon Commission, but if the administration by the Chief Minister of these municipalities and local boards alone is to be taken into consideration, I mean the administration of these local bodies as a whole, it will furnish a very sad commentary. Not a single board is free from corruption, not a single municipality is free from disruptive forces and corroding influences and the manner in which these factors are working in these municipalities is, to say the least, deplorable. The nominations have always gone in many cases to the supporters of the Minister within this very Council. No doubt, some election agents have also been provided with some seats here and there. But all through there is not a single member of his party—there might be some exceptions, but generally speaking—who has not had something or other from the Minister by way of some patronage in return for a vote. And there are many more who are still waiting for it. Nominations are meant and ought to be made to secure the representation of minority communities, and I have always rebuked the Minister against the way that nominations were utilized and I have very often stressed on the point that the power of nomination should be exercised for the sake of securing representation of minority communities. But the Minister has not been ever able to distinguish between minorities and majorities or arrive at any classification of communities or decide upon any principle for the division and recognition of minority communities. Sir, at one time he has considered the Nadar community to be a majority community. At another time the minority community of Padayachis in the South Arcot district was considered to be a minority community. On another occasion in another place the Berichetti community was considered to be a minority community. And then in a fourth place the Nattukottai Chetti community was considered to be a minority community. On what basis and on what principle this distinction is made and on what grounds this shifting of principle, if there is any principle at all, is carried on, I do not know. And despite several interpellations, the Minister has never yet been able to say on what principle he has acted in regard to the nomination of members desirable and undesirable to—municipalities and local boards.

"The Religious Endowments Board, Sir, is becoming from day to day a bankrupt organization. It owes to the Government to-day more than three lakhs of rupees. If the hon. the Minister goes out and seeks the opinion of the people at large in the Presidency, in the High Court and other places where lawyers have to appear before that Board, or from the individual members of the Board themselves, if the Minister only keeps himself in touch with the affairs of that Hindu Religious Endowments Board, he will come to know what a deplorable state of affairs prevails in the Board. Favouritism is rampant there and personal considerations are the rule. And this Religious Endowments Board has not been able to collect the contributions that are due to it: and from year to year and from term to term it is going on borrowing money from the Government. Very recently the other day in

the Finance Committee we sanctioned about Rs. 24,000 by way of fresh loan and the Government Member concerned, the hon. the Finance Member, has not been able to tell us whether that amount would really be repaid or not. On the other hand they have applied for the amount being written off, that is the three lakhs and odd rupees that have already been lent. That is the administration of the hon. the Chief Minister so far as the Hindu Religious Endowments are concerned. Demands were made in the Council that the Minister should divert his attention also towards Muslim religious endowments. Time and again Members of this Council wanted that full particulars should be furnished to them with regard to the exact state of affairs prevailing in the religious endowments belonging to the Muslim community; but the Minister has not cared to take any action. On the other hand he has found safety in the policy of shifting the burden on to the shoulders of others.

" Sir, the attitude of the Ministry towards all political activity in the country has been to say the least very disgraceful. Elected members they are not no doubt. But I know the hon. the Chief Minister is returned by a very handful of voters, a very small constituency, a pocket borough of 39 or 40 electors. If he is really a popular man, and if he wants to be a responsible Minister, I hope he will chuck off that small constituency and seek election through a general constituency where he will have to face 70,000 or 80,000 voters. . ."

* The hon. the PRESIDENT :—" I am afraid the hon. Member will have to take another opportunity to advise the Chief Minister which constituency he should go to for election (Laughter). Here he has to appeal to the House that the Minister does not command its confidence."

Mr. BASHEER AHMED SAYEED :—" Sir, I was saying that the attitude of the Ministry towards political activities in the country has been a very disgraceful chapter. They have, from time to time, instead of fighting with the Reserved half against their repressive policy, always stood to support repression and repression with a vengeance. They have never raised their little finger against the repressive policy that was adopted from time to time by the Reserved half against all political workers and political activities in this country. Reference has already been made to their attitude towards the Simon Commission and also other constitutional issues that arise in connexion with the question of Simon Commission. I would say, Sir, that the Ministry has eggregiously failed in the matter of Indianization of the services. Not only have they done nothing to Indianize the departments which they are supposed to be in charge of, but they have not also exercised any influence with the other departments which they are supposed to be in touch with. The policy of Indianization is often talked of but very little seems to have been done with regard to it after the Justice party Ministry gave up office. The present Minister might say that he carried out the policy of the late Ministry, but it requires facts and figures to see exactly where and to what extent he has worked out that policy of Indianization.

" The industrial policy of the Development Minister has also been a deplorable chapter. He has been there for nearly a year, and he has convened a conference regarding the textile industry to suggest improved methods or to improve the department of textiles; But he will not give effect to the recommendations of his own conference. He has taken no steps whatever to promote industries which form and ought to form undoubtedly the

next big calling for the people of this country, after that of agriculture. Nothing has been done to promote cottage industries by this Minister and yet there he is, supposed to be responsible to the people. The Textile department and the Industries department is presided over by a non-technical man. Time and again this House has protested in regard to this matter, but the Ministers are so effeminate as not to be able to change the present Director and bring in a technical man for the department of Industries, which requires to be manned throughout by industrial experts and technical men. I need not refer to many other things but I may only say that this Ministry has been the most subservient Ministry to the Reserved half. Instead of exercising any influence of any kind whatsoever, they have always been lending themselves to be very easy tools or instruments in the hands of the Reserved half. If that is going to be their position, it is better that they honourably resign even before this vote is passed, and come out to face the electorates and justify themselves and their conduct. The last point which I would like to refer to is in regard to the way in which the Ministry has treated particular problems concerning Muslims. Mussalmans they have some in their camp for voicing Mussalman claims and demands. But even when none of these claims is considered by the Ministers, my hon. Muslim colleagues are still clinging on to the Ministry. They are not able to assert themselves, nor are they able to exercise any influence over the Ministry nor are they treated with any regard. I hope these muslim friends will realize that there is no use clinging on to the Ministry until and unless they are going to assert themselves against the Ministry, they would not be able to do any good to the constituencies, but would only demoralize themselves still further. They are utterly incapable of getting anything effected by the Ministry, and the Ministry itself is utterly impotent to carry out any programmes of which variety they have none. Even those that are suggested by the Opposition they have not been able to give effect to in spite of solemn promises and professions. Time does not permit me to refer to many more things which I wanted to refer, but I would only close by asserting that the Ministers do not command the confidence of the Council and the country. Such being the case, I hope my friends will take this early opportunity—at least at this late hour—and see that the Ministry does not get their confidence vote. With these words I have great pleasure in seconding this motion."

11-45 a.m. *Mr. S. N. Dorai Raja:—"Mr. President, Sir, my hon. Friend, Mr. Satyamurti, with his usual flow of words and with fine frenzy whipped up for the occasion, has thought fit to censure the present Ministry on three points, viz., that they remain in office with the help of the nominated members' votes which in his opinion are perfectly valueless; that the Excise Minister not only broke his election pledges but also has no policy of his own with regard to prohibition and Dr. Subbarayan was not only a political renegade because he flouted twice the mandate of this House but also none of his promises came to fruition. Sir, I ask my hon. Friend this simple question. Has not a nominated member as much statutory right to be in the Council and vote as he likes as any elected member? Does he become un-Indian and unpatriotic because he is nominated and votes with the Ministry? Mr. President, if to be an elected member is to be a political mounte-bank if to be an elected member is to break the solemn oath of allegiance to His Majesty and talk about mental reservations and legislative coercions, if to be

19th March 1929] [Mr. S. N. Dorai Raja]

an elected member is to change his opinion as often as a chameleon changes its hues I refuse to be cajoled into the belief that an elected member like my hon. Friend is a model of political consistency and honesty as he makes himself out to be and a man of a little commonsense will easily see that such votes are not even quarter as valuable as those of the nominated members who fortunately have no pledges to break and whose love of the country remains single-minded and untainted.

"Mr. Satyamurti waxed eloquent and shouted at the Excise Minister because he broke the so-called election pledges. When the Justice party launched a no-confidence motion against Dr. Subbarayan and his then colleagues my hon. Friend Mr. Satyamurti sat in his place absolutely crumbled up ashamed to face any man because he was supporting the Ministry. Sir, surely this is not breaking of pledges at all and what is considered to be a crime in Mr. Muthiah Mudaliyar becomes a virtue in the case of my hon. Friend. About the policy of prohibition, the policy of propaganda is the most suited to bring about prohibition for the volume of public opinion must be the condition precedent to bring about total prohibition. This is the policy of my friend the Excise Minister.

"When Dr. Subbarayan and his then colleague Mr. A. Ranganatha Mudaliyar were defeated by the vote of this House and continued in office, that Mr. Ranganatha Mudaliyar is as much a political renegade as my friend Dr. Subbarayan. Why now such excessive love and why such applauding of his speeches whenever he cares to make a speech? Is it because he is voting with my friend Mr. Satyamurti or is it because this fondness is due to esoteric influence or to that common sympathy when they both stand at the threshold of divinity, may I say of independence? Is it possible to do anything great under diarchic dispensation and against such obstructive and destructive tactics of my hon. friends the Swarajists? I take my hat off to Dr. Subbarayan because with all his faults against all the calumny and dirt thrown at him he stood his ground and extracted the maximum of good from the minimum of opportunities under diarchy. I honour him also because he refused to tread the barren path of non-co-operation with the Simon Commission. Sir, hot air, high-flown language and dubious methods are poor substitutes for hard thinking and patriotic services as Sir John Simon rightly put it. With these words, Sir, I oppose the cut motion."

* Rao Bahadur Sir A. P. PATRO :—" Mr. President, Sir, within the short time we have got before us I propose to refer to a few points relevant to the motion before the House. For once all these years, the hon. Member representing the University argued his case in a sober and reasonable manner (A voice: Oh!) and I am sure the House would have been impressed by his arguments. He has placed his case before the House and appealed to the House that a sense of responsibility should develop amongst us, that we should lay the foundation for the sound principles of democracy. He appealed to this side of the House and the other and said that the Ministry has been guilty of so many instances of omissions and commissions and we should vote against the Ministry. But, Sir, it seems to be that the appeal should have been made more to himself and to his party than to us or other hon. Members of this House. It is quite certain that by this motion and by his own able argument that it is the Congress party that stands before the bar of public opinion and not so much the misdemeanours of the Ministry though they are

plenty. The facts and circumstances narrated by him are facts and circumstances which have been in existence not for a few weeks or months, but they have been in existence ever since December 1927 when the Congress party installed the Ministers. And in March 1927, a motion urging the same reasons, emphasizing the same principles of democracy and sense of responsibility was placed before this House by my hon. Friend Mr. Muniswami Nayudu. What was the attitude of the Congress party on that occasion? (A voice : Neutral.) Of the 42 members of the Congress party, only 12 were present on their benches, and these twelve members remained neutral. (A voice : How is that relevant?) The hon. Member for the University quoted the member representing Tinnevelly, Mr. Kumaraswami Reddiyar, that the Independent party began with half a dozen and rose to one dozen and later to one and a half dozens; he quoted this with approval. Having realized then, having realized now, that they have had no following, that they have no programme, no principles and policy, how did this Congress, responsible party which stands for nationalism and national advancement support such a Ministry as that? (A voice : Question.) On the other hand, circumstances show that from the time of the formation of the Ministry it had got the active co-operation and the active assistance of the leading members of the Congress party. (A voice : Question.) That the Ministry came into existence by their co-operation admits of no doubt. (A voice . No, Sir.) I will refresh the minds of hon. Members of the Congress party by referring to the statements made by a certain champion of independence before the Working Committee of the Congress on the 26th and 27th December 1927 when the question of Simon boycott was discussed before the Committee. Mr. Srinivasa Ayyangar and my hon. Friend the Member for the University said that they had brought the Ministry into existence and that the first Minister betrayed the trust placed in him; therefore they should do their best to dislodge him and turn out the Ministry."

* Mr. S. SATYAMURTI :—"I never said anywhere that I brought any Ministry into existence, nor Mr. Srinivasa Ayyangar."

* The hon. the PRESIDENT :—"I am afraid the hon. Member is not hearing Sir Patro carefully. He was referring to a certain statement made by another member in another capacity."

* Rao Bahadur Sir A. P. PATRO :—"This fact is further strengthened by the disclosure made by the hon. Mr. Arogyaswami Mudaliyar that the leading member of the Congress party or the No-Changer party has assisted them for the purpose of introducing a Bill into the Council." (A voice : Oh.)

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—"I never said that."

* Rao Bahadur Sir A. P. PATRO :—"It shows, Sir, that the Congress party had been actively assisting the Ministers throughout. Again, Sir, when the motion for no-confidence was tabled by the Madras Congress party in August 1927, what was the result? The strength of the Congress party was 42 at the time, and when the motion came to division there were only 36 members on their seats. If the leader and deputy leader were earnest to carrying out the motion, would it not be possible for them to whip up their members to be in their seats at the time of vote? Then, last but not least, I shall refer to what happened in March 1928. When the Leader of the

Congress party tabled a motion of no-confidence against the first Minister, the party consisting of 42 members at the time (A voice: 'No')—whatever the strength may be—there were only 23 members that could be found in their seats. (A voice: 'What are you going to do now?') When the motion of the leader of the party, the strongest party in the Council, the most democratic party, the nationalist party that stands for justice and purity in administration, when that motion was tabled on 2nd March 1928, there were only 23 present at the time in support of such an important motion. There were not sufficient number present to support such a motion. I have made an analysis of the vote to show that the attitude of the Congress party with regard to the ministry has never been serious or sincere. I am unable to follow what their present motive is for this motion. I cannot believe that they are now more sincere in their attitude. The Justice party styled them as 'benami ministers' benami for the Congress party. I imagine that this motion has been tabled only for the purpose of demonstrating to the electorate that they are serious. But with the accumulated evidence I have referred to, we cannot take them to be sincere in the matter of impeaching the ministry. It is true that there are many grave irregularities in the work of the ministry. I do not contend that what the ministry has done is satisfactory. There is good cause for impeachment. They have done all that they could do. (Hear, hear.) It is also true that if the Congress party had assisted them, they are also equally liable for the censure. But the Congress party suddenly dropped them. (Laughter.) The Congress party, though they got all from them and took advantage to get many nominations for their men in the West Godavari, East Godavari, Kistna and other places, and gained every advantage from them. . . By their help the ministry gained strength from time to time in the House, and slipped from their hands. Now it is difficult to dislodge them from the position to which the Congress party has helped them to attain. (A voice: 'Question.') The result of their own political blunder or spite. In this connexion I may refer the House to one of the leading articles that appeared in one of the nationalist journals of Madras about Lord Goschen's task in November 1926 and again it appeared in December 1926. The whole case for the Congress party has been set forth there. The motive of the Congress party in supporting the Independent 12 noon. Ministry whom they knew to be miserable was not to lay the foundation for a substantial democracy in the country. Their actions clearly show that they did not desire the welfare of the country's affairs and establishment of sound political principles. It was to take revenge against the Justice party; (Cries of 'no, no' from the Swarajists benches). There is no use of crying 'no' Facts are staring at you. They would not allow the Justice party to come into power, and so actually assisted in setting up a people whom they now condemn. But for the scandalous and criminal acts followed by the Congress party this ministry would not be in existence. There is no use of condemning the ministry now alleging that it has no following, no programme and no political principles.

"What I now submit to this House, Sir, is that if the Congress party would accept the responsibility of running the administration, we for one will welcome them and give them a chance of forming a ministry. I would certainly vote for the Congress ministry if the Congress party is willing to take the responsibility of office. There is no other party that could form a stable ministry, etc., constitutionally. We will therefore follow the advice

[Sir A. P. Patro] [19th March 1929

given by my late lamented leader of giving them a chance to be improved in course of time."

*Mr. F. E. JAMES :—" Mr. President, I gather from the speech of the hon. the Mover of this motion that this motion of 'no confidence' is not a motion to censure the particular Ministry, but to censure the system of diarchy. The Congress party has, as a rule, brought motions of 'no-confidence' against every Ministry. The Mover of the motion has also admitted that the motive behind the motion is not to turn out either Dr. Subbarayan or any of the other Ministers. The motive underlying this motion is to demolish the whole edifice of diarchy. That is their real aim. This motion is a smoke screen ; a camouflage behind which their real intention is hidden.

"Sir, it is true that we, the European group, support this Ministry. It is because in our view we consider that on the whole the record of work of the present Ministers compares favourably with the record of work of the Ministers who have previously held these posts. (Laughter. Mr. Sami Venkatachalam Chetti : 'Is it better or worse ?')

"Mr. Satyamurti has challenged us on the ground that we are always supporting the Ministry, that is to say, that whatever may be the composition of the Ministry, we, the non-official Europeans, always support that Ministry. I desire to state that though that might have been the practice in the past, it will not necessarily be so in the future. I assure this House that this group will carefully scrutinize the policy and programme of any party wishing to take office after the general election before supporting that party.

"If blame is to be attached to the position of individuals forming a Ministry with the acquiescence of miscellaneous groups, whose is the fault ? I lay the blame on the members of the Congress party. (Hear hear from the official benches.) They come into this House, but accept none of its obligations. They take all its privileges but do not fulfil its ultimate duties. They are the dead branch of the tree. Even on this motion they have practically usurped the whole time at the disposal of the House—a more selfish and futile policy I cannot conceive.

"I would respect them far more and put far more faith in them if they adopted either out-and-out non-co-operation or co-operation. It is 'non-non-co-operation which they are adopting, and I say that is a futile and sterile policy. I sincerely trust that they will come back to this House after the election, prepared to take office and then I am sure that they will find various groups prepared to co-operate with them. This they can only do if they will throw overboard the policy which they have hitherto pursued and come here with a will to work the constitution.

"I will leave it to this House to judge whether the Ministers are doing their best. They are working under very trying circumstances. They are not given a chance. How can they work when they have to face constant motions of censure for sins of omission as well as of commission ? I deprecate this attempt on the part of the Congress party to throw out a Ministry in season and out of season simply for the purpose of defeating diarchy.

"I therefore oppose the motion."

*The hon. Dr. P. SUBBARAYAN :—" Mr. President, if you will bear with me for a moment, I should like to deal with the question of my constituency

19th March 1929] [Dr. P. Subbarayan]

because that was brought forward almost as the first charge in the hon. Member's opening speech, and that is, he talked of a small constituency. I would refute such an aspersion made on the landholders' constituency, and I would like to point out that trade, land and industry might not be vocal but they do represent a solid interest in this country. I am yet to believe that democracy means 'educated proletariat'.

"Mr. President, to go back to the year 1926, I can tell the hon. Members present here this morning, as I did this day almost last year, that I had no idea of office at all. I never dreamt of the office coming to me. I was in England when the elections were announced in August 1926. I returned in the middle of September 1926 and, as I said, the landholders' constituency put me into this Council not because of the pledges which my hon. Friend talked of, but because they believed that I was capable of representing them in this Council, and to this day my constituents have not said a word about the actions I have taken or condemned me for the policies I have pursued.

"The Swarajists, Mr. President, on the other hand, had a big majority. They promised to their electorates a new Heaven and a new Earth, lighter taxes, industrial regeneration and freedom for everybody. They knew very well that those promises were most dangerous and if they were to sit on these Benches they will not be able to fulfil an iota of the promises they had made to their constituencies. (A voice: That is why they have not sat there.) I am glad to be confirmed in my opinion from my hon. Friend. At the same time, they made it clear they would not like to have the Justice Party in office. And what happened? They simply stood aside so that I and my hon. Friends sitting with them now might form, as they themselves say nonchalantly, a non-descript ministry. I do not deny it. It was a non-descript ministry. But, as my hon. Friend, Sir A. P. Patro pointed out, that non-descript ministry, unfortunately to the taste of friends opposite, began to gather strength. (A voice from the Swarajist Benches: 'By going round and begging.') I never begged. Hon. Members on the other side might have done it. (Mr. Bakthavatsulu Nayudu: By offering patronage). Well, when there was no alternative Ministry, I thought it only right, as a person believing in constitutional government and ordered progress, that I ought as far as possible to try to form a ministry and run the constitution. As I have often said, Sir, I have had no part or lot in making this constitution, this imperfect constitution, I am prepared to admit, and, as I said, I was determined to work this constitution when called upon to do so. If I have continued to work it, it is because, Mr. President, the Council has been behind me. (Dr. Mallayya: 'Question.') No other ministry was subject to so much attack as the ministries I have had the honour of forming and leading for the last three years. To use a significant military phrase, they have tried bombs, they have tried torpedoing with submarines, ; they have tried flank attacks, and we have stood these. They are now trying poison gas. (Laughter.)

"If I have weathered two budgets, the resignation of two of my colleagues 12-15 p.m. and many votes of no-confidence, it is because I feel, Mr. President, that the Council felt that they would rather have somebody work the system than go back to Government by Executive Council. (Mr C. S. Govindaraja Mudaliyar: 'Helping the Simon Commission.') The Swarajists wanted to keep up their reputation by the old game of attacking all Governments. As for achievements, Sir, maintaining orderly government in this province when the majority

party has been prepared to use their giant's strength in the most irresponsible way, has been a great achievement. The reputation of this province for sanity and political judgment and orderly progress has been saved, I maintain. (Laughter.) I maintain that this province has also been saved from every kind of political cranks. (Continued laughter.)

"As for legislation, Mr. President, all the Bills that I have promised have been worked out and thought out in the minutest detail. (Mr. K. R. Karant: 'By whom ?') (A voice: 'Where are they ?') If you will wait you will hear. (Laughter) As Mr. James pointed out a moment ago, it has not been possible to do so as I have been subject to such continuous attack that there has been really no time. For example, I would refer to the Andhra University Act. Can the Swarajya Party lay their hands on their hearts and say that their Andhra friends were at any time clear as to what they wanted with regard to the Andhra University ? (A voice: 'Quite clear.') I feel, Mr. President, that my greatest achievement in the last two and a half years has been the fact that I have been able to show the Swarajists in their true colours (loud laughter) and they cannot any longer pretend to have the same glamour in the country that they had before. (Dr. B. S. Mallayya: 'You will see it, Sir.') It is clear that the party has no programme and no constructive scheme. It is full of dissent. The party is torn by internal quarrels. I repeat it deliberately in this House. That being the state of affairs in that party, they can certainly agree to indulge in violent attack on the Ministry which they cannot get the Council to turn out. (Dr. B. S. Mallayya: 'Ask the officials to clear out and see.') (Laughter)

"Then, Mr. President, the hon. Member for the University talked glibly of trust in democracy. That the Government as a whole have been able to take the view that what we want is complete responsible government in this province shows that the Government, both the Executive Half and the Transferred Half, are not afraid of democracy in this Province. We are willing to be judged by the people of this province. That is my answer to the gibe of my hon. Friend for the University. I am prepared, Mr. President, as I said before, to rely on the commonsense and political judgment of the electorate when the time comes to go before them. (Dr. B S. Mallayya: 'But you have only to face 14 voters.') But I will end as I began. I do feel that my greatest achievement has been that the hollowness of the members sitting opposite, members who talked so loudly of lighter taxes, democracy and so on has been shown and they have been really shown in their true colours to the electorates. And I am pretty certain that the judgment of the electorates will be in no uncertain terms." (Loud Ministerial cheers and Swarajist counter-cheers.)

* Mr. Sami Venkatachalam Chetti:—"Mr. President, Sir, it is not with the hope that the cut motion or censure motion which my hon. Friend, Mr. Satyamurti, has given notice of and spoken on will be carried in this House that I rise to speak in connexion with this debate. I am only concerned with a few statements made by my hon. Friend, Sir A. P. Patro and my hon. Friend, the Chief Minister.

"Sir, my hon. Friend, Sir A. P. Patro, charged the Congress party with want of sincerity in their attitude or conduct towards the present Ministry. Whatever might be the faults committed by the Congress party (some interruption from below the gangway) I do not want that a gentleman who is dependent upon the Ministry both literally and figuratively should taunt

19th March 1929] [Mr. Sami Venkatachalam Chetti]

others in matters like this. (Swarajists: 'Hear, hear.') (A voice: 'For a pittance.') Mr. President, I was saying that whatever may be the fault which the Congress party might have committed or not committed, the last charge that can be substantiated against the party is want of sincerety in their conduct towards the present Ministry. There is not the slightest doubt, nor did the Congress party at any time attempt to make a secret of the fact that they did not want to inseat Dr. Subbarayan's first Ministry, so long as the Congress Party had reasonable doubts that those seats would be occupied by the members of the Justice party in case that Ministry was unseated. (Loud cries of 'hear, hear.') As a matter of fact, in connexion with the motion moved by my hon. Friend from Chittoor, Mr. Muniswami Nayudu, I, as the leader of the party, made a statement in which I categorically mentioned that we gave two pledges to the country, viz., that we would demolish diarchy if we can and that we shall not allow the Justice party to remain in office. ('Hear, hear.') True to this promise, we kept the Justice party out of office and it is for that purpose that we remained neutral. But at no time we supported this Ministry directly or positively. ('Hear, hear.') But once that doubt was removed from our minds, viz., that the Justice party would occupy those seats, and once a solemn declaration was made both in the conference they held and on the floor of this House that they will not accept office during the present term of the Legislative Council, no party, was more ready to join hands with its erstwhile enemies, the Justice party and vote against the present Ministry. (A voice: 'Empty benches.') I am very sorry. My hon. Friend is wrong in his charge. I can understand his ignorance on this matter. He was not then the leader of the party. If the Raja Sahib of Panagal had been alive to-day I am sure he would not have charged me with that want of sincerity in my attempt to move a censure motion againt the present Ministry. Myself and the Raja Sahib did not leave a single stone unturned in gathering our voting strength against Dr. Subbarayan's Ministry on the second occasion."

* The hon. the PRESIDENT:—"The hon. Member has got only two minutes more."

* Mr. SAMI VENKATACHALAM CHETTI:—"But we were not successful because of want of efforts on the part of others."

"My hon. Friend, Mr. James, the representative of the Planters' community, whose presence here has undoubtedly infused some life in the European block has said that he would be glad if the whole Congress party was out of this House. I know that our party and our politics are very inconvenient to him. (Loud cries of 'hear, hear.') It is obvious that were it not for people of his kind we would not be here in such large numbers to-day. It is our attempt to see that the European Members who harbour intensions of that nature towards the Congress party should be reduced to the barest minimum in this Council. (Mr. Satyamurti: 'Hear, hear.')

"With regard to my hon. Friend, Dr. Subbarayan's speech I have only to say this: He has admitted practically that he has no policy or programme; that he came here as an ordinary member of the Council; that he found all on a sudden an opportunity to create a Ministry; and that he did form a Ministry. No stronger condemnation and no more constitutional condemnation is necessary to prove that the Ministry has therefore no programme, no policy, no majority, no backing and no strength. (Dr. Mallayya: 'Bacha-i-Sakao.') I ask Sir A. P. Patro who accused us of insincerity

and who agrees with the reasons and arguments that we cited against the Ministry, why he should set a bad example? Even granting that we were wrong, is it not the duty of my hon. Friend below the gangway to teach better example and vote with us as against the present Ministry?"

The motion was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

1. Mr. P. C. Venkatapati Raju.
2. ,, K. Koti Reddi.
3. ,, R. Srinivasa Ayyangar.
4. ,, Sami Venkatachalam Chetti.
5. ,, S. Satyamurti.
6. ,, C. V. Venkataramana Ayyangar.
7. ,, J. A. Saldanha.
8. ,, G. Harisarvottama Rao.
9. Basheer Ahmad Sayeed Sahib Bahadur.
10. Mr. C. S. Govindaraja Mudaliyar.
11. Abdul Hameed Khan Sahib Bahadur.
12. Mr. L. K. Tulasiram.
13. ,, K. V. R. Swami.
14. ,, D. Narayana Raju.
15. Dr. B. S. Mallayya.
16. Mr. K. R. Karant.
17. ,, K. Madhavan Nayar.
18. ,, P. Anjaneyulu.
19. ,, C. Obi Reddi.
20. ,, A. Parasurama Rao Pantulu.
21. Mr. C. Ramasomayajulu.
22. ,, T. Adinarayana Chettiyar.
23. ,, P. Bhaktavatsulu Nayudu.
24. Sriman Biswanath Das Mahasayo.
25. Mr. A. Kaleswara Rao.
26. K. Uppi Sahib Bahadur.
27. Mr. M. Narayana Rao.
28. ,, C. N. Muthuranga Mudaliyar
29. K. P. V. S. Muhammad Meera Ravuttar Bahadur.
30. Mr. C. Venkatarangam Nayudu.
31. ,, K. S. Sivasubrahmanya Ayyar.
32. ,, A. Ranganatha Mudaliyar.
33. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
34. Mr. Ramanath Goenka.
35. ,, C. R. Parthasarathi Ayyangar.
36. ,, R. Nagan Gowda.
37. ,, K. P. Raman Menon.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Diwan Bahadur P. Kesava Pillai.
10. Maharaja of Jeypore.
11. Mr. Alladi Krishnaswami Ayyar.
12. ,, Hilton Brown.
13. ,, H. A. Watson.
14. ,, C. A. Souter.
15. ,, S. H. Slater.
16. ,, A. McG. C. Tampoe.
17. ,, C. W. E. Cotton.
18. ,, V. Ch. John.
19. ,, M. A. Manikkavelu Nayakar.
20. Tajudin Sahib Bahadur, Syed.
21. Mr. C. D. Appavu Chettiyar.
22. ,, H. B. Ari Gowdar.
23. ,, A. B. Shetty.
24. ,, R. Foulkes.
25. Mahmud Schamnad Sahib Bahadur.
26. Mr. Muppil Nayar.
27. ,, J. Kuppuswami.
28. Subadar-Major S. A. Nanjappah Bahadur.
29. Mr. Al. Ar. Narayana Chettiyar.
30. Rao Bahadur O. M. Narayanan Nambudripad.
31. Mr. T. M. Narayanaswami Pillai.
32. Mr. N. Siva Raj.
33. Rao Sahib L. C. Guruswami.
34. Mr. V. I. Muniswami Pillai.
35. ,, W. P. A. Soundara Pandia Nadar.
36. ,, S. Subrahmanya Moopanar.
37. ,, Daniel Thomas.
38. ,, S. V. Vanavudaya Goundar.
39. ,, S. Venkiah.
40. Rao Sahib R. Srinivasan.
41. Mr. C. E. Wood.
42. ,, W. O. Wright.
43. ,, F. E. James.
44. ,, R. J. C. Robertson.
45. ,, H. F. P. Hearson.
46. ,, S. N. Dorai Raja.
47. ,, S. Arpudaswami Udayar.
48. Zamindar of Kallikota.
49. Mr. U. Ramaswami Ayyar.
50. Khan Bahadur P. Khalifulla Sahib Bahadur.
51. Swami A. S. Sahajanandam.
52. Mr. V. Ramjee Rao.
53. Zamindar of Gollapalli.
54. Mr. C. Gopala Menon.
55. ,, B. Ramachandra Reddi.
56. Rao Bahadur Sir A. P. Patro.
57. Diwan Bahadur P. C. Ethirajulu Nayudu.
58. Mr. P. T. Rajan.
59. ,, T. K. Chidambaranatha Mudaliyar.
60. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
61. Diwan Bahadur S. Kumaraswami Reddiyar.

19th March 1929]

Noes—cont.

62. Khan Sahib T. M. Moidoo Sahib Bahadur.
63. Rao Bahadur K. Sitarama Reddiyar.
64. ,, B. Muniswami Nayudu.
65. Mr. K. Sarabha Reddi.
66. Zamindar of Mirzapuram.
67. Kumararaja of Venkatagiri.
68. Mr. A. V. Bhanoji Rao.
69. ,, P. J. Gnanavaram Pillai.
70. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.

Ayes 37. Noes 70.

The motion was lost.

The demand was put to the House and carried and the grant was made.

DEMAND XIV—ADMINISTRATION OF JUSTICE.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the recommendation of His Excellency the Governor, I move— 12-30 p.m.

'*that Government be granted a sum not exceeding 84·14 lakhs under Demand XIV—Administration of Justice.*' "

* Mr. A. B. SHETTY :—" I beg to move—

'*that the allotment of Rs.* 84,13,900 *for Administration of Justice be reduced by Rs.* 100.'

" My object in moving this motion is to express dissatisfaction at the administration of civil justice. One of the standing complaints against the administration of civil justice has been the high cost of litigation. Ninety and odd per cent of the suits filed in our courts in 1927 were in respect of money or movables and of the remaining suits nearly half were in respect of mortgages which are as good as money suits. The litigant has to pay in the first court 11¼ per cent as court fees, and the same amount in the second appellate court as well as in the third appellate court. Add to this vakil's fees at 5 per cent in each court; a litigant taking his case through the three courts has thus to pay nearly 50 per cent of the amount in dispute. If we take into account the other items of expenditure incurred for obtaining copies, filing documents and petitions and getting the attendance of witnesses, the expense of litigation may often come up to cent per cent of the amount in dispute. But this high expenditure is not the only grievance; the litigant has not only to spend heavily, but he has to wait inordinately long for obtaining a decision and even after that he has to put up with delay and ineffectiveness in execution. The delay in the disposal of suits and appeals and the unsatisfactory results obtained in the process of the execution of decrees have been the subject of repeated representation to Government in almost every province in India, and as a result of these representations, the Government of India appointed the Civil Justice Committee in 1923 to enquire into this matter and to report what could be done to provide for the more speedy despatch of the business transacted in the courts and for the more satisfactory execution of the processes issued by the courts. Have matters improved in any way as the result of the findings of this committee and the recommendations made by them? Let me draw the attention of the House to the Government Order, dated 4th January 1928 on the statistics of civil courts for the year 1926. The Government Order says :—

' Disposals in some of the district munsifs' courts did not come up to the standard. The work turned out in respect of disposals of original suits in subordinate courts was unsatisfactory. The fall in the number of civil appeals disposed of by District Judges was a regrettable feature. The average duration of contested suits in the Presidency Court of Small Causes increased from 116 to 127 in 1926.'

[Mr. A. B. Shetty] [19th March 1929

" Consider again the Government Order, dated 3rd January 1929 on the statistics of civil courts for the year 1927.

" It says:—

'The Government are again constrained to remark that in spite of the comments on the statistics for 1926, disposals of District Munsifs and Subordinate Judges continued to be poor. . . The Government hope that the Hon'ble the Judges will take measures to see that such an unsatisfactory state of affairs does not recur.'

" The Government say they expect a better outturn of work in respect of original suits in the district courts in future. Now this sort of delay in the disposal of suits and appeals is not a happy state of affairs. But it is made worse if you look at the execution side of the department. The Civil Justice Committee report shows that the number of execution petitions which usually become infructuous varies from 63 to 71 per cent. Things are not better to-day in this province. If we look at the report for the year 1927, the latest that has been given to us, we find that out of the total number of executions there has been full satisfaction only in 22 per cent; in $9\frac{1}{2}$ per cent cases there has been part satisfaction and nearly 70 per cent of the executions filed have become wholly infructuous. If nearly $\frac{3}{4}$ of the decrees obtained cannot be executed, what is the use of spending so much money for obtaining decrees in courts? A few years ago Sir Tej Bahadur Sapru said, 'I strongly feel that the time has come when some drastic steps should be taken to revise our whole system of execution of decrees, and to place it on a more satisfactory footing.' We feel in the same way now. The Government ought to examine whether the system of the execution of decrees is so faulty that dishonest judgment-debtors find plenty of loopholes for escape or the staff who are entrusted with this execution work are inefficient and, therefore, responsible for the large number of infructuous executions. We often hear it said that the hands of the subordinate officers of the execution department have to be greased if he want our work to be done. The pay of amins and process-servers is so low and inadequate that it is no wonder that they are tempted to be corrupt. Then again there is an impression among the public that the insolvency law is affording protection to an increasing number of dishonest judgment-debtors. If this is true the Government ought to examine this branch of law and find out what could be done to check this growing evil which is becoming a menace to trade and commerce. My hon. Friend Mr. Saldanha has drawn the attention of the Government to the treatment accorded to jurors and assessors in law courts. To the interpellation that he put a short time ago regarding this matter no satisfactory answer was given by the Government. Parties and witnesses who go to courts have to keep lurking in and about the courts. They are provided with no decent place for them to wait and they have often to be at the mercy of the menials who maintain law and order in the premises. I ask why better treatment cannot be given to these people who pay so much for the administration of justice in courts? If the object of the Government is to reduce litigation by charging heavy court fees, by delay in the disposal of suits and appeals, by not giving real relief in the proper way, and by showing scant courtesy to those who resort to law courts, there may be some justification for all this. But has litigation been really put down by these methods? I hope and trust that the hon. the Law Member will take this matter into serious consideration and see what could be done to remove the long standing grievances of the people in regard to the administration of justice."

19th March 1929]

Mr. J. A. SALDANHA :—"I beg to support this motion. The apathy shown by the several Law Members who have been in charge of this portfolio is very well-known to hon Members of this House. Time after time and year after year, there has been cry raised in this House and outside, to remedy matters but Government have done little or nothing. Nor the High Court have done much in this direction. They have been tinkering here and there but have not taken a comprehensive and bold attitude to remedy matters. Here is a report of the Civil Justice Committee lying in the library. That Committee was appointed to enquire into all the grievances in connexion with the administration of civil justice, but what has been done? That report is lying in the shelf without being even touched. I really do not know whether the hon. gentlemen of the Secretariat —Secretaries and others—have read this report or any paragraph of the report. I do not say that the Law Members are against making any reform in this matter. But what I say is they do not realize our complaint.

"I wish only to speak on one or two points more. Every Englishman is proud of the jury system. Can we, Indians, Sir, say that we are proud of the system? Let any hon. Member of this House say that he is proud of the jury system. Is any juror proud of it? Is any assessor proud of his position? No, we cannot; we are thoroughly ashamed of it, the way in which jurors and assessors are treated, the way they are accommodated, the way they are paid and in every other respect. They consider it almost derogatory to serve as a juror. The Government should see that the jurors are given seats to sit upon, that they are treated properly, that they are not called off and on, that they should not be asked to come and go without any system and that proper selections are made. There are so many other defects in the system. I think, Sir, that these defects must have been known to the hon. the Law Member. He has been a Judicial Officer; he has been a Vakil practising in many courts. I asked him for information regarding these defects to be called for from the civil courts. How many district courts are there? We have got only 25 district courts. It would have caused very little trouble; it would not take much time. In spite of the implication in my question, the Government said they had no information. It is disgraceful for the hon. the Law Member to say so. I do not think any Law Member would give that reply. The Government replied that it would cause much trouble to get information regarding the sufferings and humiliations which our jurors and assessors undergo. When an hon. Member of this House calls attention to the existing serious defects, is it right that the Government should say that they have no information? I hope that such a reply as that will be wiped out of our proceedings. The Government ought to have information and the Government have got the information; if they have no information, they should call for it, when an hon. Member asks for it. When hon. Members complain about the treatment given to jurors and assessors, it is most disgraceful that the hon. the Law Member should decide that it is not a matter of importance. It must be very humiliating to this Council to have such a reply.

12-45 p.m.

"There is another matter of importance. The execution work and the process-servers' work is done in our courts in a fashion which is most discreditable to our administration. That is well-known to the hon. the Law Member. We have got in this Presidency unlike many other presidencies, the unique system of the process-servers being paid Rs. 14 or

15 per mensem. No wonder they are corrupt. All kinds of powers are exercised by them. They carry summonses to attend the court; in the absence of parties they can affix the summonses to the door. They can take warrant of arrest. When process is taken for execution work, execution summonses are served and the process server can arrest also. He is paid only Rs. 14 or 15. There is a long chapter consisting of 50 pages regarding this matter in the Civil Justice Committee's report. There are several pages dealing with the low condition of these process-servers. I do not know if the attention of the hon. the Law Member has been drawn to the very strong remarks of the Civil Justice Committee consisting of several Judges and ex-Judges, of the High Courts, Indians and Europeans. I shall read a small extract: 'But whatever be the nature of the supervision exercised over the work of the process-servers (page 166 of the Report) it seems to us to be impossible to expect honest and intelligent work from the class of men, whom it is possible to recruit to the process serving establishment on the scale of pay and prospects at present in force.' Then they give figures. Bengal—Rs. 18; some other districts—Rs. 16; Patna—Rs. 9 and 10; Madras—Rs. 14 or 15. They also say:—'It is only in Bombay that the gravity of the situation has been realized and that a scale of remuneration has recently been sanctioned commensurate with their duties and responsibilties. The scale of pay in Bombay ranges from Rs. 20 to Rs. 40 for the inferior class of process-servers, with an efficiency bar at Rs. 40, and Rs. 50 for the superior class of process-servers.' These include Amins and Bailiffs. 'It was suggested by some witnesses that the adoption of the higher scale of pay would only result in greater extortion. But this is not justified by experience.' This was the expression of opinion of several great Judges and I think their opinions must be respected. 'The evidence in Bombay points to the conclusion that a higher scale of remuneration will attract a class of recruits of a higher social level and ensures greater intelligence, honesty, and efficiency. The process-server will feel that he has something of value to lose. And the presiding officer in taking disciplinary action need entertain no apprehension, as is said to be the case in Burma, that the process-server will throw up his job light-heartedly and seek a more lucrative occupation as a coolie or menial servant.' This is one of the points on which they dwelt at some length.

"There are a number of other points. One of them is the inspection of our courts by a superior authority, not by District Judges as they do at present. There is absolute necessity for a gentleman of the position of the High Court Judge to go round and examine year after year some of the courts; after paying surprise visits they must see how things are going on in all these courts. The Government would then find that certain District Munsifs do not work up to the standard or the level required; then they ask for additional Sub-Judges and additional District Munsifs. Delay of justice and work done is a matter which requires thorough enquiry. Many Sub-Judges are doing good work; the only thing to be complained of is they do not do it in a proper system. To a great extent, these mistakes and delays can be avoided by following a proper system. There is nobody to guide them; nobody to see their work thoroughly. I do not think that the District Judge of the district should inspect these courts, because he is on very pleasing terms with the Sub-Judges and District Munsifs; they belong

19th March 1929] [Mr. J. A. Saldanha]

to the same club; the District Judge cannot be very severe with the Sub-Judges and District Munsifs. But the District Judge of the neighbouring district or a High Court Judge going round and visiting these courts will be able to detect cases of delays and irregularities, from the top to the bottom. At the same time it is not necessary that these officers should go round very often. There are records in the High Court. The Judge can call for them. The Registrar or some special officer with some special establishment can call for the records and see what are the causes of delay. A District Munsif may have written very good judgments; he might be doing his work conscientiously; but he might not be working on a good system. He may not supervise the work of process-servers, which every one knows is full of mistakes. Execution work is neglected and not at all supervised by the District Munsif. These defects can be easily remedied. A special officer can sit for this purpose occasionally and call for the records. The explanation of the particular District Munsif may be called for. You need not appoint a High Court Judge for a long time for inspection. A High Court Judge may be entrusted with supervision work for two months in a year. He can pounce upon any courts and examine the records. If they know that a High Court Judge is likely to examine their records at any time, they will be very careful. This sort of supervision may be insisted upon. Myself and some hon. Members of this Council insisted on this being done. Some promise was held out by the Law Member's predecessor, Mr. Campbell. A question was put recently and the reply was that there was no hope of the appointment of a Judge for this purpose.

"I shall not weary the house with any more remarks; there is much to be said. I think the hon. the Law Member has real knowledge of these defects. I hope he will not treat the suggestions of myself and my hon. Friends on this side of the House with scant courtesy, as he did my important question regarding jurors and assessors."

* Mr. Sami Venkatachalam Chetti:—"Mr. President, Sir, I desire to speak on this motion with special reference to the administration of justice in the City of Madras. We have been taught to look upon the High Court and other courts as the temples of justice and to speak about them with great reverence and awe. I therefore very particularly deplore, more than anybody else, that such temples of justice should be talked about not in very complimentary terms. There is evidence of this fact in the number of cut motions we find in regard to this demand. It is an open secret, Sir, that legal practitioners and litigants alike are thoroughly dissatisfied with the courts in Madras, particularly the High Court. Questions are asked on arrears of work, delay in disposal of cases and unpunctual attendance of Judges and they are answered briefly. One of the accusations is that Judges have likes and dislikes towards litigants."

The hon. the President:—"The scope of the debate on this motion depends upon a correct interpretation of Standing Order No. 28 (2) (iv). The Standing Order runs thus:—'A member while speaking must not reflect upon the conduct of His Majesty the King, the Ruler of any Foreign State or the Governor-General or any Governor or any Court of Justice.' What may constitute a reflection on the conduct of a Court of Justice, will have to be avoided in a debate on the motion under the grant for Administration of Justice. I have referred to all available authorities as to the interpretation of the expression, 'reflection on a Court of Justice'.

"The expression will exclude criticisms of the *judicial* conduct of the 1 p.m. Judges of a nature intended to discredit them and aspersions against their character and integrity. In this debate therefore, no motives should be attributed and no offensive, discourteous or defamatory language should be used against the hon. the Judges of the High Court and their judicial action should not be called in question. Subject to these restrictions, the debate may proceed."

* Mr. SAMI VENKATACHALAM CHETTI :—"I have heard your ruling very carefully and I hope, Sir, I will not trespass upon any of these restrictions that you have very rightly imposed upon the hon. Members of this House, nor do I think I have so far trespassed. I have been speaking about arrears of work and dilatory disposal of cases and about the irregular and unpunctual attendance and I was saying that some Judges have strong likes and dislikes . . . ."

* The hon. the PRESIDENT :—"The moment the hon. Member says that Judges do administer justice according to their likes and dislikes towards clients and vakils, I think he is trespassing upon the forbidden ground."

* Mr. SAMI VENKATACHALAM CHETTI :—"I bow to your ruling, Sir. At any rate, I am anxious that the High Court should be above accusations and should not be susceptible of accusations of the nature I was mentioning. Sir, if lawyers who are vociferous in other matters are silent in regard to some of these institutions, it is because their interests in a particular phase of the action of these courts are not more than the interests of those who resort to these courts. In a period of six years we have had an increase in the number of Judges. Unfortunately the appointment of temporary Judges had the reverse effect in the matter of the clearance of arrears. It is not my intention to attribute any motives to these hon. temporary Judges. But it seems to me, it is above human to expect that they are fully unconcerned with regard to their permanency. After a pretty long delay, temporary Judges were confirmed and yet we hear complaints of large arrears and delayed disposal of cases. The man in the street thinks that this is due to the irregular and unpunctual attendance of some of the hon. Judges owing to physical disabilities. I am extremely sorry that the cruel climate of Madras and its environments should have had such a detrimental effect upon the health of these hon. Judges. Ill-health in a judge either continuously or frequently, besides being a positive irksomeness to himself, is a positive danger to those who resort to the courts as well, for a judge, however eminent he may be, if he is suffering from a physical ailment cannot maintain that equanimity of temper and balance of judgment which are perhaps the most essential features in the disposal of justice to the public. ('Hear, hear.') Sir, there is also a complaint, and we hear these complaints with some insistence, that the Judges show a particular liking to particular kinds of work. For instance, some Judges like only criminal work, some Judges like only civil work, some other Judges like to sit only with some Judges in a bench and some other Judges would not like to sit with some other Judge in any bench. Sir, from one point of view, I should very much like that only those Judges who are both friends in law and friends in ordinary life should constitute a bench, at least to the benefit of the litigants, lest their own personal quarrels should import themselves in the cases. That such constitution of benches does not amount to speedy disposal of work, seems to mean that the constitution of those benches should be more thoroughly examined and whether a reshuffling of

19th March 1929] [Mr. Sami Venkatachalam Chetti]

some of these benches would not tend to speedy disposal of cases should be considered. Apart from this, Sir, in the interests of the health of the very Judges who are suffering from physical ailments, it seems to me that they must take long leave and recoup their health, both to their own benefit and to the benefit of the litigant public.

"Sir, one other matter I would like to mention in connexion with the administration of justice in this Presidency is that, as regards the disposal of petty cases, Government might constitute benches of honorary Judges as they do in regard to criminal cases where they have got what they call Honorary Magistrates. Likewise, I would suggest the appointment of Honorary Judges to dispose of petty civil cases.

"Sir, another matter which I would like to mention in this connexion is the office of the Official Assignee. I am afraid, Sir, the place that was created with a view to protect the interests of creditors is fast becoming a sort of obstacle for the speedy realization of the assets of judgment-debtors and for the disposal of dividends to creditors. Sir, I have known of instances where a dividend of a pie or two pies was sent to creditors after a lapse of eight or ten years. I am told that the Official Assignee is becoming an omnibus merchant. If it happens that the proprietor of a cinema becomes insolvent, he at once becomes the proprietor of the cinema show and if it is the case of a China Bazaar shop, he becomes the proprietor of the shop in China Bazaar. Several such instances may be quoted. I am sorry that instead of taking the earliest opportunity to dispose of the assets of the judgment debtor and to divide the proceeds among the various creditors, he should take upon himself the responsibility of administering these estates for a long number of years and make the creditors believe that they would get larger dividends. I would therefore make a strong recommendation to the Government that annual reports of the administration of this department should be published as they do in the case of the other departments. For instance, the Administrator-General publishes the annual statement of the stages in which the several estates under his control are from time to time. But we find no such publication in regard to the Official Assignee's office and the one department that requires such publication is that department. Of course, it has been stated that the volume of work and the number of estates are so great that it would be a huge task for the Official Assignee to make an annual statement in regard to the administration of the several estates under his control, but I should think, though he could not give a detailed account of the various estates under his control, yet a broader division showing the number of estates under him, the time at which these estates came under his charge and the progress which he made with regard to the realization of the assets and the division of dividends, will be enough for the present and that will be a great check upon the accumulation of these estates in the Official Assignee's office for a long number of years. With these few remarks, I support the motion made by my Friend, Mr. Shetty."

* Mr. A. Kaleswara Rao :—" Mr. President, I wish only to impress on two points. I do not propose to talk on the inordinate delays in justice, nor about the costly nature of the justice. The fountain of justice is the High Court and I wish only to add that the hon. the Chief Justice himself has become very ill of late and therefore, physical illness adds to the irritable temper of the Judge, and therefore . . ."

[19th March 1929

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Of course, according to your ruling, Mr. President, hon. Members are at liberty to criticize within certain limits, but when my Friend goes on to remark about the physical incapacity of the Judge, I leave it to you, Sir."

* The hon. the PRESIDENT :—" I am sure the hon. Member will agree with me that within the bounds I have prescribed, he will not be justified in referring to the irritable nature of Judges."

* Mr. A. KALESWARA RAO :—" Therefore, Sir, he will have to be lifted up by his clerks and also has to lean on the shoulders of his daffadar when he gets up the stairs. I do not know from what illness or disease he is suffering. I only wish to submit that by an early examination by a competent Board of doctors he may be given rest till he becomes all right. I only wish to add one more thing about the unnecessary continuance of a sub-court."

* The hon. the PRESIDENT :—" As to the suggestion of the action to be taken by the Government, I believe, the hon. Member is aware that the Judges of the High Court are not at all subject to the control of this Government. Since hon. Members are asked to give a certain amount for the administration of Justice, they are justified in refusing the grant or reducing the amount on grounds of delay and such other things, but to ask this Government to exercise a sort of control and supervision which is not vested in them by the Government of India Act is, I think, far-fetched. No useful purpose will be served by continuing the discussion of this point and I do not think even the Opposition will be very anxious to vest any power in the executive to control the High Court."

* Mr. A. KALESWARA RAO :—" I bow to your ruling, Sir. And then, I wish to submit that the Bar Association of Bezwada has been protesting continuously against the additional sub-court there. I have given notice of a cut, but the cut motion will not be reached and therefore I wish to bring the matter to the notice of Government. . . ."

* The hon. the PRESIDENT :—" Everything relating to the administration of justice is relevant on this motion."

* Mr. A. KALESWARA RAO :—" I also wish to point out that when an independent association like the Bar Association which knows the difficulties of clients and other circumstances very well, makes some representation to the Government and that too three or four times, the Government should pay particular attention to that. The complaint is that this additional sub-court is unnecessary and it is a waste of money to retain it and it is also causing inconvenience both to the litigants and also to the members of the Bar. The chief difficulty is that the present permanent sub-judge does
1-15 p.m. not dispose of cases as quickly as he ought to do. The complaint is that he is unpunctual and his attendance is very unsatisfactory and he is also very slow and does not dispose of as many cases as he ought to. Now there is an attempt to continue the court beyond the 1st of March and the Bar Association sent in a representation to the Government not to do so. Then, Sir, on account of the unsatisfactory disposal of appeals in the permanent sub-court, appeals from Nuzvid Munsifs' Courts, hitherto going to the Bezwada Sub-Court, are now sent to the Kistna District Court, Masulipatam, and this is causing much inconvenience and unnecessary expenditure to the litigant population."

19th March 1929]

Mr. K. MADHAVAN NAYAR :—" In connexion with this cut motion I wish to bring to the notice of this House one feature of the administration of justice obtaining in the High Court of Madras, a matter which causes considerable inconvenience to the practitioners of that Court. I mean the system of blank list introduced by the present Chief Justice. Sir, the lists of ready cases are published just before the commencement of the week and they show the cases that are likely to be taken up in the ensuing week and by what particular Bench. That practice was in vogue for a long time. But in recent times, after the advent of the present Chief Justice, or shortly after he became constitutionally or otherwise unfit to come punctually to the Court, the system of blank lists containing the names of cases, but not of the Bench of Judges before whom the cases may come, was introduced. Sir, due to this the litigants and the practitioners are at a loss to understand when their case will be taken up. They have to spend not only the whole day but also the whole week sometimes waiting for the case because they do not know when the case will be taken up and by whom. This is a matter that causes great inconvenience to the litigants and the practitioners and this arises directly out of the unpunctuality of some Judges or of one Judge. For these reasons, I wish to support this motion and I earnestly hope Government will, in the interests of the practitioners and the litigants, see that henceforth matters are carried on in a more businesslike manner."

Mr. K. SARABHA REDDI :—" Sir, in supporting this motion I wish to bring to the notice of Government the inadequacy of pay of clerks in the mufassal courts : and due to this the work turned out by them is not quite so satisfactory as it ought to be. Considering the large amount of work they have to do and also in view of the high cost of living prevailing all over the presidency I hope Government will revise the scale of pay of the mufassal clerks. I also would urge upon Government to appoint clerks in the village panchayat courts, and also one or two process-servers for each court."

Mr. DANIEL THOMAS :—" Sir, I wish to say a few words on the low salary of amins and process-servers in my district. Sir, a few months ago when the hon. the Law Member visited my district the amins and process-servers waited on him in a deputation and ventilated their grievances. And the hon. the Law Member conceded that the proceedings that take place after the decree is passed are most important. And those of us who have had anything to do with the execution of decrees will realize that. In fact, I may say the proceedings leading to the passing of the decree are nothing compared to those that take place after the decree is passed. No one will gainsay the fact that the execution of the decree depends upon the zest and intelligence of the amins and process-servers. Further, it is a well-known fact that under the present high cost of living they cannot lead an honest and decent living ; and therefore, they being in the service of administration of justice, it will be sheer injustice to deny them facilities to maintain and keep up the tone of disinterestedness and efficiency. I hope Government will favourably decide this question."

* Mr. T. ADINARAYANA CHETTIYAR :—" Sir, I wish to say a few words in support of this motion and in doing so I wish to champion the cause of the process-servers and amins. I submit that they are not only ill-paid but also often ill-treated. In one district, which I do not wish to mention, they are asked to pull punkas. If such treatment be meted out to them, there is no

[Mr. T. Adinarayana Chettiyar] [19th March 1929

wonder that complaints after complaints are heard about the corruption among these men. As the previous speaker remarked, the obtaining of a decree is no good. The benefit is lost in trying to execute it. It is only by improving the status and pay of the process-servers and amins and by according them better treatment that the tone of the judicial administration can be improved.

"I wish to refer also to the great difficulty which the people of North Arcot are put to by the absence of a district munsif's court at Cheyyar. I submit Cheyyar is a flourishing taluk and Cheyyar town is rapidly developing into a busy centre. There is no district munsif's court within a distance of twenty miles from Cheyyar, and you can imagine the trouble and difficulty which the people have to put up with under such circumstances. The subject was taken before the High Court by means of petitions and mahazars and one of the Judges of the High Court who visited the district, I am told, was favourably impressed with the necessity for a court at Cheyyar. I hope Government will expedite the matter and I would urge on Government the urgent need for a district munsif's court at Cheyyar.

"Another point I wish to say is with regard to the recent agitation regarding the location of the courts in Vellore. Sir, in the fort at Vellore are now situated all the courts and offices, but it is now proposed to shift a court to a very distant part of the town impartially inconvenient to the Bench, Bar and litigant public. I hardly see any necessity for the change and I need hardly say that it will cause much inconvenience to the people of Vellore, nay, North Arcot district. There is much outcry raised at present in connexion with this proposal and I hope Government will ask the authorities to drop the matter."

* Mr. V. I. Muniswami Pillai :—"Coming as I do from the Nilgiris, I know the hardships the process-servers and peons are put to by way of conveyance in moving about to carry on their work. The salary given to them is so meagre that they find it quite difficult to make both ends meet. Several times I raised this question in this Council by means of interpellations to raise their salary. We got the reply saying the matter was in the hands of the High Court and finally, we were told, Government could not do anything in the matter of the increase of their salaries. I hope Government will reconsider this matter and improve the status of the amins and process-servers. Practically speaking, the lot of such officers in the Nilgiris district is simply pitiful.

"Another thing is there are no adequate representatives of the depressed classes in the several Bench courts. Many of our people have to go to these courts and, unless there is someone of our men, they cannot hope to have proper justice."

* Mr. A. Parasurama Rao :—"Coming as I do from the mufassal, I should certainly do something to contribute by way of information and try to suggest some constructive methods by which the difficulties that so many Members referred to may be got over. There can be no gainsaying the fact that the process establishment is a dishonest service, because it is inevitable. I would suggest to the hon. the Law Member to consider the desirability of handing over to the parties concerned the witness summons and of issuing the defendant's summons through post, so that the number of processes may be minimised. Thus the staff can be reduced and much savings can be

effected. Then as regards the staff a good deal of trouble can be avoided by recruiting good hands and by increasing their pay. For example, there are a number of law graduates; start them on Rs. 50, give them good prospects, call the posts not by these undignified terms . . ."

Mr. T. ADINARAYANA CHETTIYAR :—"Call them bailiffs."

* Mr. A. PARASURAMA RAO :—"I am not speaking of the city: I am speaking of the mufassal. Call them by some high sounding name. If the present process-servers are continued, they cannot behave better, and there is no use saying that they are being ill-treated.

"Then with regard to the panchayat courts there is no use saying that they are working very satisfactorily when as a matter of fact they are not working well. We must be sincere when we say they are working satisfactorily. Many of the reports sent by the Collectors of the districts are only whitewashed accounts of the working of these courts. These accounts do not give the real state of these courts; they do not reveal the dissatisfaction of the people of the localities concerned."

* The hon. the PRESIDENT :—"Order, order. The hon. Member will continue his speech after lunch. The House will now adjourn and reassemble at 2-30 p.m."

After Lunch (2-30 p.m.).

* Mr. A. PARASURAMA RAO :—"Mr. President, I was referring to the unsatisfactory state of the panchayat courts now functioning. I do not want to dilate upon their actual unsatisfactory state, but I would suggest to the hon. the Law Member how to improve their condition so that people may like freely to resort to such courts. My suggestion is that instead of electing five or seven members to the panchayat court as at present, you may have a panel of twenty gentlemen to be elected from out of the elders, and whenever a suitor comes forward with a suit, both the parties—the plaintif and the defendant—may be asked to select one each out of this panel of elders, and then a third gentleman may be elected as the president or the umpire. If that is done, I daresay that much of the complaint that now obtains may be avoided.

"Now, with regard to the delays in civil courts, I think that is a universal complaint. Though it is not possible to avoid much of the delay—and I am quite prepared to admit it—at any rate the evil may be considerably minimised if the recommendations of the Civil Justice Committee are strictly followed. What I mean by saying this is that in the matter of adjournment of suits, if more discretion is used and suits that can be taken up on a particular day and disposed of are only adjourned for that day and not adjourned at random in the hope of getting those suits compromised, I think there is a possibility of minimising the inconvenience felt by witnesses, and at the same time getting through with the work more quickly. This unsatisfactory system is resorted to on the off-chance of some of the suits being compromised owing to the pressure that is brought to bear upon the parties by the witnesses. If witnesses are asked to give up their legitimate work and made to hang upon courts from day to day, then they think that there is a possibility of these witnesses bringing influence to bear upon the parties to compromise. It is only with that object that this procedure of

[Mr. A. Parasurama Rao] [19th March 1929

indiscriminate adjournments is adopted. This is highly objectionable and if proper discretion is used in the adjournment of suits, much of this inconvenience may be considerably avoided.

"With regard to the payment of batta to witnesses in criminal courts, I think there is much scandal about it. It is left to the sweet will and pleasure of the presiding magistrate. Whenever he thinks that he could show some savings under that head, he believes—I do not know how far he is correct in his belief—that he could satisfy his superiors, and he says 'get away.' A man who has come there to do public service by giving evidence in a criminal court and gives evidence, for that man to be told 'get away' and that at his own expense, and not to be paid any batta, is not a satisfactory state of things. This is one instance to show that people with any self-respect would not go and attend criminal courts and at the same time do public service. Many people are dissuaded from going to court owing to this. Another circumstance is that they are not shown any courtesy at all. They are at the mercy of the peons who are loitering on the verandas and they are kept out and made to stand either in the hot sun, or if there is a tree near by, probably under its shade. This is the way witnesses are treated, respectable witnesses who come there merely to do public good. Such people especially ought not to be treated with such scant courtesy. I daresay the hon. the Law Member will certainly take sufficient precautions to see that they are not treated in this manner. Probably I may be met by an answer to the effect that there are sheds here and there. Certainly there is provision made in some instances, but there are many more cases in which such amenities of life ought to be provided for. There are offices where absolutely even drinking water is not provided. A man has to run a mile to quench his thirst. Is it possible under these circumstances that men who have any self-respect about them would be able or induced to go to such courts and give evidence? These are defects which ought to be remedied if at all the administration of justice has to be improved. In that spirit I have made these suggestions and particularly I would urge upon the hon. the Law Member to take into consideration this fact, namely, that the panchayat court has been much abused by the president and the members thereof, and unless some improvement is effected by some means or other, there is no opportunity of popularising these courts."

* Rao Sahib R. SRINIVASAN:—" Mr. President, Sir, we do not aspire at present to the position of High Court Judges or District Court Judges. What we urge and ask the Government is to give to our poor people menial situations, namely, places of peons and attenders in these courts of justice. Most of these places of peons and attenders are monopolised by the high castemen, because they are engaged to suit the convenience of the officers who are their caste men in order that they may help these officers in carrying their meals or attend to their household work and so on. You will find in these courts very few depressed classes men are engaged. Again, these depressed classes who have any business in these courts, when they go there, are not treated in the same way as the other people are treated by the peons and menials there. So if these depressed classes people are engaged for the posts of peons and attenders in these courts of justice, they would be in a position to freely mix with other people, and in that way the depressed classes people who are now untouchables will to a certain extent in course of time have a feeling of self-respect like other castemen.

19th March 1929] [Mr. R. Srinivasan]

"The last speaker spoke on panchayats. I have not got the figures before me, but I think that out of 1,000 panchayats there are only about 100 which the depressed classes are allowed to take advantage of. The honorary organizers do not generally go to the cheris. In fact, the cheri people who are depressed classes are kept out of these institutions and are left in ignorance of the existence of these panchayats, and their usefulness. Only very few of them are taken in panchayats. I beg to bring to the notice of the hon. the Law Member that these panchayats, or most of them, have not admitted the depressed classes up to now. So I suggest that these panchayats may be abolished and re-selections may be directed to take place with a provision to elect the depressed classes men to the panchayats. So, Sir, such an arrangement should be made in all these panchayats, so that the depressed classes may take part in the panchayats that they may understand the benefit of the local self-governing institutions and also enjoy their benefits as the other classes do. The funds of the panchayats are not utilized for the advantage of the cheris. There are very many ways in which the panchayat can exercise its discretion in favour of the depressed classes. In the villages when evidence of the depressed classes people is required, they are sent for and kept at a distance and their evidence taken from that distance. So in that way great injustice is done to them and they are not treated equally with other people. I therefore hope the hon. the Law Member will take all these things into consideration and see that proper arrangements are made to improve the situation of the depressed classes. According to the reports of Collectors, you will find that these panchayats are working very well. But in fact it is not so. In one of these districts at one time when some people of the depressed classes applied for representation in these panchayat courts, they could succeed. It was found by the Collector of the district and he found that it was nothing but jobbery. So I submit that these panchayat courts are more for the caste people than for the depressed classes. Let them have a chance of getting into these panchayats and enjoy other rights and privileges, so that they may in time take their own share in the local self-governing institutions."

Mr. C. S. Govindaraja Mudaliyar:—"Mr. President, Sir, I rise to make a suggestion with regard to the administration of civil justice in the city of Madras. I refer especially to the City Civil Court which was instituted in the year 1892 for the purpose of relieving the work on the Original Side of the High Court, and it was done as an experimental measure. That measure has proved very successful and to-day we find its work has increased by hundred per cent. The file to-day is somewhere near 800 original suits and 2,400 petitions. So that there is enough work for one single Judge and more. But the real grievance comes in when his jurisdiction is confined only to the sum of Rs. 2,500 as compared with the jurisdiction of Munsifs in the mufassal which has been raised recently to Rs. 3,000. There is no reason why the jurisdiction of the City Civil Court should not be raised to 2-45 p.m. Rs. 5,000, so that cases which now cost a good deal in the High Court may be transferred to this cheaper jurisdiction. For example, petitions on the Original Side in order to be presented in the first instance have to start with a stamp fee of Rs. 5 in certain cases and Rs. 10 in others. These are high sums for the poor litigant."

* The hon. the President:—"The hon. Member will not be in order in referring to the court-fees."

[19th March 1929

Mr. C. S. GOVINDARAJA MUDALIYAR :—" I am referring only to the court-fee cost in litigation on the Original Side."

* The hon. the PRESIDENT :—" The court-fees leviable on litigation come under the Demand of court-fees. Therefore, the hon. Member is not at all in order in referring to them under this demand."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" If the jurisdiction of the City Civil Court is raised to Rs. 5,000, it will give relief to the litigants in many respects "

* The hon the PRESIDENT :—" I do not think hon. Members will be in order to suggest any alterations in legislation in the discussion of budget motions. That is the rule in England and I should like that that rule should as far as possible be adhered to here. The question of policy under the existing law is for discussion and not proposed measures of legislation."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" I shall not tread upon the ground which has been interdicted by you. I shall confine myself to saying that if another additional Judge is appointed to the City Civil Court . . ."

* The hon. the PRESIDENT :—" Does it not require an amendment to the Act ? "

Mr. C. S. GOVINDARAJA MUDALIYAR :—" It does not, Sir. In the Act, the appointment of additional Judges is within the scope of the authority of the present Government. For example, in the years 1918, 1919 and 1920, an additional Judge was appointed and he worked on clearing the arrears in the City Civil Court. Such a thing is within the competence of the executive authorities of this province. There is also one other reason why this increased jurisdiction should be given. Small matters which are now litigated in the High Court may be transferred to the City Civil Court, which will very much benefit the poorer class of litigants, and the cost of litigation would thereby be lessened in the case of appeals. The litigation in the original court is also continued in the Appellate Side and the rates that are levied are the same."

* The hon. the PRESIDENT :—" Unfortunately, the hon. Member is again referring to the rates."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" The procedure that is adopted is that the cases pending before the High Court will receive the same kind of treatment as in the original court of trial. Mr. President, as under your ruling I am precluded from taking a number of other points which bear very directly upon the litigants I would suggest to the executive Government that measures may be taken to amend the Act or to introduce such alterations in the administration of the City Civil Court as to extend the scope of its usefulness."

* Mr. MAHMUD SCHAMNAD SAHIB :—" Mr. President, Sir, I support this motion, and in doing so I wish to point out that there is much dissatisfaction in the administration of civil justice. I shall only take one aspect of the question, that is, the paucity of Muslims in the Judicial Service. It has been repeatedly asserted by members on the Government benches that they are for doing communal justice, but they have done very little in practice in this direction. There are now fourteen Judges in the High Court. In this House several times questions were put and resolutions and cut motions were passed

19th March 1929] [Mr. Mahmud Schamnad Sahib]

about the necessity of appointing Muslims on the High Court bench. The former Law Member who was very profuse in his promises was good enough to say several times that when there is a permanent vacancy the claims of Muslims would be considered. There were several permanent vacancies since then. Yet nothing has been done so far. (Mr. Basheer Ahmad Sayeed: 'That is the treatment you deserve.') There are about 20 civilian judges and 8 judges belonging to the provincial judicial service and one City Civil Court Judge. What is the percentage of Muslims here? It is very very small. There are 41 permanent sub-judges and 20 acting sub-judges; yet not a single one of them is a Muslim. Coming to munsifs there are 151 munsifs and about 20 acting munsifs. In this large number there are only four permanent munsifs and an equal number of acting munsifs who are Muslims. This is a very unsatisfactory state of things. It is not at all just that the administration of justice should be run wholly by particular sections of the people. We are asking for swaraj. Is swaraj only intended for particular sections of the community? (Mr. Basheer Ahmad: 'Ask your friends.') It is quite immoral. Mr. Satyamurti is said to be against communal justice. He is supporting a monopolist policy. I think Government will rise to the occasion and do justice to all the communities."

* Mr. K. R. KARANT:—" Mr. President, Sir, as usual, my friends over here are very nearly tired of members from South Kanara. (Laughter.) (A voice: 'Especially of the last speaker.') I have told them that we should be glad to cut off from them as they should be glad to cut us off. As long as we continue together, we shall have to do the unpleasant duty of taking the time of the House to bring certain points to the notice of hon. members. There are certain cuts in this demand under my name which will come on at a later stage, but as I do not think they will be reached, I shall have to speak now. There are one or two points referred to by the earlier speakers on which I feel I should have my say, and one of them is, about the Chief Justice of the High Court. Several things were said to which I do not say yes or no, but from the enquiries I have made of certain of my friends in the High Court, I have come to know that they are eminently satisfied with his sense of justice and, above all, with the fact that he has no racial discrimination. I have heard many many members of the Bar say that they are perfectly satisfied, though here and there there may be certain eccentricities of the Chief Justice with which people are not satisfied. But I do appeal to the hon. the Chief Justice, through you, Sir, to see that he gives no room for such complaints, whatever they may be. But I think fairness demands that we should also appreciate what is good, and I may assure hon. Members that I have no particular object in saying this.

"Then there are some points about which I wish to say a few words, that is, as regards the conveniences to the members of the Bar and also to the litigants in the mufassal in this Presidency. It was said by the Leader of the Independent party in one of the speeches made by him in this House, that the Law Member was unfortunately even rude on certain occasions. I very much regret to have to say ditto to what he said. Certain questions were asked by my hon. Friend Mr. Saldanha as regards the conveniences given to the litigant public. I am very sorry to say that not only did the Law Member say that he had no information, but he also said that it is not in the interests of the public even to call for and get the information. That there is not sufficient accommodation in several courts, that they are not

[Mr. K. R. Karant] [19th March 1929

treated fairly and properly, and that assessors have no proper accommodation is a fact too well known. For instance, in Mangalore, we have got a very small Bar room and at the sessions time, jurors and assessors, police inspectors and sub-inspectors come and occupy half the space, and out of common courtesy we have to give some accommodation, because there is no other place for them. There are about 90 members of the Bar. I have been pressing this before the House, and the hon. the Law Member's predecessor was at least good enough to make some promise. But we know that he did not carry out many of his promises. But this Law Member would not even give courteous replies to questions. The High Court itself was repeatedly saying that this was an urgent matter, the extension of the Bar room. And the hon. the Law Member himself has mentioned in answer to one of my questions put on the 29th of November 1928, viz.,

'*Q*—Will Government be pleased to expedite the matter about the extension of the Bar room?'

'*A*.—The matter is being expedited, and Government have already sent reminders on the subject.'

3 p.m. "I know, as a matter of fact, that the High Court were sending repeated reminders to treat this as an urgent matter. But all at once, one fine morning, the Law Member says that the High Court have said that it is no longer urgent.

"I may mention, in this connexion, Sir, one instance. Very recently, about a few rupees were spent for the purchase of a table-cloth for the additional court just opened. The High Court (I do not think the hon. Judges have anything to do with this thing and it must be some petty clerk) wrote 'What is the need for a table-cloth?' After this, within the last one month, hundreds of rupees have been spent just to put in fine cemented tiles to the room of the principal subordinate judge. There were good flooring tiles already and they have all been removed and hundreds of rupees have been spent to have cemented tiles. If it is a matter of five rupees for the purchase of a table-cloth for the Bar table, it is being objected to, but there is no objection at all in spending any amount for the convenience of judges.

"I will mention another instance. All over the Presidency, I think, in the mufassal courts there are no punkahs, at least in most of the places. I asked a question in this House 'Whether the Law Member will be pleased to say in what places there are these conveniences, etc.? My question is No. 1134, dated the 29th of January 1929. I may mention here one funny fact that in our district from June to September, we have heavy rains and no punkah is needed. Yet for prestige of the Court or otherwise, we see Government spending on punkahs throughout the year. I asked for the information for the whole Presidency. The hon. Member was pleased to say that Government have no information and that the Government did not consider it necessary to call for a report. Now that is the sort of answer given by the Law Member. I hope he will take a more reasonable attitude towards all these points because he was a member of the Bar himself. (A voice 'He was a member of the Bar long ago.)' Though he was a member of the Bar long long ago and though he is now in a secure position, I do not think he will snap his fingers at the members of the Bar. I hope he will pay some

19th March 1929] [Mr. K. R. Karant]

attention to the wishes of this House and see that at least cases which do not require a lot of money are attended to at once and that fair and respectable treatment is given to the members of the Bar and the members of the public."

* Swami A. S. SAHAJANANDAM then spoke in Tamil :—

" கனம் தலைவரவர்களே ! கோர்ட்டு நடவடிக்கைகள் தமிழில் நடைபெறவேண்டும் என 744-வது மோஷனும் காபிஸ்டர்கள் விஷயமாகப் பேசுவதற்கு 813-வது மோஷனும் கொடுத்திருக்கிறேன். சொற்ப நேரத்தில் அவைகள் வராதென அவற்றையும் இதில் பேசுகிறேன்.

தமிழில் கோர்ட் நடவடிக்கைகள்.

" ஐயா ! இங்கிலாந்து முதலிய நாடுகளில் நூற்றுக்கு 97 பேர்கள் படித்தவர்கள் " ஆனால் இந்தியாவில் நூற்றுக்கு 97 பேர்கள் படியாதவர்கள். படியாதவர்களது வழக்குகளை ஆங்கிலத்தில் பேசுவதால் நியாயவாதி எதனைப் பேசுகிறார் என, கட்சிக்காரர்களுக்குத் தெரிவதில்லை. சில சமயங்களில் நியாயவாதிகள் கட்சிக்காரனது கேஸை மறந்து பாதகமாகவுஞ் சொல்லலாம், வேண்டுமென்றுஞ் சொல்லலாம். தாய் பாஷையிலேயே பேசினால் கட்சிக்காரர்கள் தெரிந்துக்கொண்டு திருத்துவார்கள். தங்கள் கேசை காப்பாற்றிக்கொள்வார்கள். தாய்மொழியில் பேசினால் எங்கள் வகுப்பாருக்கு மிகவும் நன்மையைத் தரும். இப்போதும் வாதியாகவும் பிரதிவாதியாகவும் இருக்கும் ஆங்கிலப் படிப்பில்லாதவர்களிடம் கோர்ட்டுகளில் தமிழிலேயே வாக்குமூலம் வாங்குகிறார்கள். கட்சிக்காரர்களிடம் தமிழில் வாக்குமூலம் வாங்கும்போது ஏன் எல்லா நடவடிக்கைகளும் தமிழிலேயே நடைபெறக்கூடாது. சில நாட்களுக்கு முன்னர் தமிழிலேயே நியாயவாதிகளிருந்தார்கள். அவர்களால் கட்சிக்காரர்களுக்கு மிகவும் திருப்தியிருந்தது. ஆங்கிலத்தில் நியாயவாதிற்குப் படித்து நீதிமன்றத்திற்கு வர சுமார் 35 வயதாகிறது. அவனுக்கு எவ்வளவு செலவாகும் என்பதை அரசாங்கத்தார் சிந்தித்துப் பார்க்கும்படி கேட்கிறேன். மிகவும் பணச்செலவழித்துப் படித்தபிறகு ஏழைகளை நசுக்கி பணம் எடுக்கவேண்டியதாகிறது. தாய்மொழியிலேயே இருந்தால் இந்தக் கஷ்டங்களில்லை. பல வித்வான்களும் நியாயவாதிகளாக வருவார்கள். மலேயா, கொச்சின், சைனா முதலான நாடுகளில் அவ்வந்நாட்டு தாய்மொழிகளிலேயே நீதி மன்றங்கள் நிகழ்கின்றன. இந்தியாவிலும அவ்வாறே நடைபெறவேண்டும். இந்தியாவிற்கு சுயராஜ்ஜியம் அளிக்காவிட்டாலும் தாய்மொழிகளிலேயே நீதி மன்றங்கள் நடைபெறின் அது பாதி சுவராஜ்யமாகும். நீதிபதிகளுக்காகவும் நியாயவாதிகளுக்காகவும் நியாயமன்றங்களில்லை, ஆங்கிலம் தெரியாத ஜனங்களுக்காகவே மன்றங்களிருக்கின்றன. ஆதலால் எல்லாக் கோர்ட்டுகளிலும் தாய்மொழி வழங்க ஏற்பாடு செய்யவேண்டும்.

காபீஸ்டர்கள்.

" கோர்ட்டுகளில் காபீஸ்டர்களுக்குச் சரியானபடி சம்பளம் கொடுப்பதில்லை. கோர்ட்டுகளெல்லாம் காப்பீஸ்டர்களாலேயே நடைபெறுகின்றன. காபீஸ்ட்களுக்கு மாதம் ஒன்றுக்கு இருபது ரூபாய்கள் சம்பளம் கொடுக்கிறார்கள். 3 அணா விலையுள்ள காப்பீ ஸ்டாம்புகளில் எழுத

[Swami A. S. Sahajanandam] [19th March 1929

வேண்டும். ஒரு ஸ்டாம்பு கடிதத்தில் 22 கோடுகள் போட்டிருக்கும். ஒரு ஸ்டாம்பில் 175 வார்த்தைகளுக்கு குறையாமல் எழுதவேண்டும். 8 காபீஸ்ட்டுகள் எழுதுவதை சோதிக்க ஒரு ரீடரும் ஒரு எக்ஸாமினரும் இருக்கிறார்கள். 8 காபீஸ்ட்டுக்கு 1 வீதம் எக்ஸாமினரும் ரீடர்களுமிருப்பார்கள். இவர்களுக்கு மேல் ஒரு சூபரின்டெண்டென்டு இருக்கிறார். இந்த காபீஸ்ட்டுகளிடம் ஸ்டாம்புகளை கொண்டு கொடுக்கவும் எழுதிய பிறகு வாங்கிக்கொண்டுபோய் கொடுக்கவும் அட்டெண்டர்கள் வைத்திருக்கிறார்கள். இந்த அட்டெண்டர்களுக்கும் ரீடர்களுக்கும் எக்ஸாமினர்களுக்கும் சூபரின்டெண்டென்டுக்கும் அரசாங்கத்தில் உபகார சம்பளம் கொடுப்பதாகச் சென்ற வருஷம் எப்படியோ முடிவாயிருக்கிறது. இவ்வளவு வருக்கும் வேலை கொடுக்கும் காபீஸ்டர்களுக்கு யாதொரு உபகாரச் சம்பளமும் இல்லை. ஸ்கூல் பைனல் பரீட்சையில் தேராதவர்களும் அல்லது ஸ்கூல் பைனல் படித்துத் தேரி ஸ்டாப் செலக்ஷன் போர்டில் தேராதவர்களுமே காபீஸ்ட் வேலைக்கு வருகிறார்கள். இவர்கள் எவ்வளவு கஷ்டப்பட்டாலும் 10 வார்த்தைக்கு ஒரு காசு வீதம் கணக்கு பார்த்து கொடுக்கிறார்கள். மாதத்தில் இவர்கள் செய்த வேலைகள் 20 ரூபாய்க்கு போதுமானதாயிராவிட்டால் அடுத்த மாதத்தில் அவர்கள் செய்த வேலையில் பிடித்துவிடுகிறார்கள். இந்தக் காப்பீஸ்டுக்களும் அரசாங்க ஊழியராம்.

இவர்களின் வேலை.

" பலவிதமான பத்திரங்கள், நியாய தீர்ப்புகள், வாக்குமூலங்கள், சிலாசாசனம், செப்பேடு, ஓலைச்சுவடி முதலான கஷ்டமான பொருள்களைக் கண்ணைத் துடைத்துக்கொண்டு பார்த்து எழுதவேண்டும். லீவு எடுத்துக்கொண்டால் சம்பளமில்லை. 30 வருஷங்கள் வேலை செய்துவிட்டு நின்றுவிட்டால் அவர்கள் கதியென்னும். முப்பது வருஷங்கள்வரை கண்ணுங்கருத்தும் கையும் ஓய்ந்துபோக வேலை செய்து வெளியிற்சென்று வருவாயின்றி கஷ்டப்படுவதைச் சொல்லுந்தரமன்று.

இவர்களால் வரும் லாபம்.

" ஒவ்வொரு காபீஸ்ட்டாலும் ரிட்டயர்ட் ஆவதற்குள் அரசாங்கத்திற்கு சுமார் பதினாயிர ரூபாய்கள் லாபமுண்டாகிறது. இப்படி லாபந் தேடியவர்கள் வேலை செய்ய சக்தியற்று பிறர் உதவியை எதிர்நாடும் தள்ளாத பருவத்திற்கு உதவியாக அட்டெண்டர், ரீடர், எக்ஸாமினர், சூபரின்டெண்டென்டுகளுக்கு உபகாரச் சம்பளம் அளிப்பதுபோல் காபீஸ்டர்களுக்கும் மாதம் 20 அல்லது பதினைந்து ரூபாய்களேனும் உபகாரச் சம்பளம் அளிக்கும்படி கேட்டுக்கொள்ளுகிறேன்."

* Mr. BASHEER AHMED SAYEED :—" Mr. President, Sir, I rise to speak only on one or two points. I do not want to refer to the administration of justice in the High Court. But I would refer to the City Civil Court and I would request the hon. the Law Member to examine the question of putting the City Civil Court in charge of a Senior Munsif on a much lesser pay than what the present incumbent is receiving. Of course, the present incumbent may be promoted or transferred to some other suitable post in the Judiciary. I do not mean that he should be sent home. But what I do mean is to suggest that the work transacted in the City Civil Court is much the same as

is being transacted in a District Munsif's Court. When the work is of the same type, I do not see why appeals from the City Civil Court are to be decided by a Bench of the High Court. I find, Sir, that this is very costly and also involves a good deal of waste of time and energy of the hon. Judges of the High Court. Appeals from District Munsif's Court go to the District Judge and Subordinate Judge and I do not see why there should not be a District Judge, appointed for the City of Madras to hear appeals from the City Civil Court. Besides this, for sessions trials, one hon. Judge of the High Court sits on the Sessions. I do not see any peculiarity between the cases sent up from the Presidency Magistrate's Court for trial in the High Court Sessions and those that are sent up by the committing Magistrates in the mufassal to the District Courts."

* The hon. the PRESIDENT :—"Is it not asking for an alteration of the Letters Patent of the High Court? The Letters Patent is really legislation."

* Mr. BASHEER AHMED SAYEED :—"I would urge, Sir, that a District Judge may be appointed for the City of Madras to deal with criminal cases which are sent up to the Sessions. I would also urge that the Original Side work of the High Court may be left in charge of the District Judge instead of the High Court Judges. This is being done in other provinces, such as, the United Provinces of Agra and Oudh. The Judicial Commissioner there transacts all Original Side work. So also a District Judge may be appointed to be in charge of Original Side work instead of having two Judges or sometimes even three Judges to sit on the Original Side of the High Court."

"I will then pass on to the case of process-servers. The process-servers' case has been brought up in this Council from time to time and the Government on several occasions said on the floor of this House that the matter was under consideration. But on one fine morning, in answer to an unstarred question put by one of my hon. Friends, they said that Government did not consider that their pay needed revision. Sir, the difficulties of process-servers can be explained only by those who are watching their life, and sympathize with them, especially their life in hilly districts like the Nilgiris. The process-servers are put to a lot of hardship in the discharge of their duties, and their pay is not commensurate with the work that they have to do.

"With regard to copyists, referred to by my hon. Friend Swami Sahajanandam, I would urge on the Government to take early steps. . ."

* The hon. the PRESIDENT :—"At this stage, the House would take it as a tedious repetition of another Member's arguments."

Mr. BASHEER AHMED SAYEED :—"To bring the copyists also into the regular service of the Judicial Department, and enable them to enjoy the privileges attached to the regular service.

"With regard to the appointment of Muslims in the Judiciary, Sir, I do not want to dilate much. I always stand for communal justice. I do not plead with the Government that there should be some Muslim appointed here and there. But I want that when they are following the principle of communal representation, they should work out that principle in fairness and justice to all. I want to assert my right and claim and urge on them to be more honest in the working of communal principle and in the appointment of persons according to communal representation.

[Mr. Basheer Ahmad Sayeed] [19th March 1929

" One other point, Sir. In the appointment of members of one community so far as high offices are concerned, I do not want, Sir, that simply because they are Muslims they should be appointed. I want that consistently with efficiency and competency Muslims, whether they belong to this Presidency or to any other Presidency, should be brought in, in order to give facilities for the development of Muslim law in the High Court and also to enable the Muslim community to derive some advantage or other, through persons placed in those high situations. I do not want, Sir, that incompetency should be enthroned in this Government as has already been the case, nor do I wish that the rights and claims of the community should be ignored for the sake of any individuals or on account of any high placed official."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, a number of points have been raised by my friends in different sections of the House on the Judicial Administration of the Presidency. I shall refer to those points one by one.

" One of the first points referred to was the delay in the disposal of cases, and my friend Mr. A. B. Shetty read from a review of the administration of the Judicial Department by the Government As a matter of fact, I may tell the House that both the High Court and the Government pay particular attention to the speedy disposal of cases. It has to be remembered, Sir, as my hon. Friends in this House know, that the officers in the Judicial Department, especially the Munsifs and Sub-Judges, are hard worked, and it must be said to their credit that they are doing their best to dispose of cases as well and as speedily as possible. The High Court are calling for quarterly returns (and, I believe, monthly returns also). The Government, as my hon. Friend Mr. Shetty read from the review, are laying stress on and emphasising the need for the speedy disposal of cases. One thing has also to be said in this connexion and it is this. It lies very much with the members of the Bar also to assist the Judiciary in the speedy disposal of cases. As a matter of fact, the Bar is now very much stronger than it was some years ago. When the members of the Bar ask for adjournment, it becomes difficult for the Munsif or the Sub-Judge to refuse their request, and, as I said, the capacity of the Bar is much higher than it was and greater time is
3-15 p.m. taken for the examination and cross-examination of witnesses. It is these things that contribute to some extent to the delay in the disposal of cases. However, as I said, the Government are paying particular attention to this.

" The next point referred to by my hon. Friend is with reference to the difficulties experienced in the execution of decrees. I am afraid that there is some force in that statement. It is as a matter of fact not due to any fault on the part of the courts that these difficulties are felt. The judges are doing their best to have the decrees executed when applications for execution are put before them. I may state, Sir, that the proceedings in connexion with this cut motion will be forwarded to the High Court and I am sure the High Court will pay particular attention to the various points raised." (Mr. J. A. Saldanha : Louder, Sir.)

* The hon. the PRESIDENT :—" The hon. Member had better come to his place, when he will hear better."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Another point that was urged was with regard to the convenience of jurors and assessors.

19th March 1929] [Mr. M. Krishnan Nayar]

I am sure that if the inconveniences felt by the jurors and assessors were brought to the notice of the presiding judges, as far as it lies in their power, they would look into them and give them all the amenities and conveniences possible. With reference to this matter, Mr. Saldanha, who has been always speaking about this, wrote to the Government a pretty long communication dealing with the various points relating to the conveniences and inconveniences of jurors and assessors. I may tell the House that I have fowarded that communication to the High Court. (Mr. Basheer Ahmed: Thanks!) On receipt of the reply from the High Court such of the points as could be disposed of will be disposed of by the Government. There are some points in Mr. Saldanha's letter which the Government could not deal with. For instance, the right of women to be elected as jurors; that is a thing which is not in the power of this Government to do. The section in the Criminal Procedure Code, which relates to the assessors and jurors, says that men who are between particular ages should be selected as jurors or assessors. That is a matter which requires legislation and so it is beyond the power of the Government. (Mr. C. V. Venkataramana Ayyangar: Does not man include woman?) So far as it lies in the power of this Government, on receipt of the report from the High Court, particular attention will be paid by Government to the question of giving additional convenience to the jurors and assessors.

"Another point that has been referred to by my hon. Friends is that the inspection of mufassal courts should be done by the High Court Judges. As a matter of fact, it has been under contemplation for some time that the High Court Judges should go and inspect the mufassal courts. But on account of the pendency of cases in the High Court the Judges find it difficult to leave the headquarters for any length of time for inspecting the mufassal courts

"I am very sorry that my hon. Friend Mr. Sami Venkatachalam Chetti and some other members made themselves responsible for casting some reflections upon the Judges of the High Court."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, ..."

* The hon. the PRESIDENT:—"Is it any personal explanation?"

Mr. SAMI VENKATACHALAM CHETTI:—"I am afraid the hon. the Law Member has entirely misunderstood our remarks when he says that we cast reflections upon the hon. Judges of the High Court."

* The hon. the PRESIDENT:—"The hon. Member will kindly wait for some time more and see."

Mr. SAMI VENKATACHALAM CHETTI:—"I thought his first sentence was enough."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I am very glad to hear from Mr. Sami Venkatachalam Chetti that whatever the import of the words that he used might have been, he had no intention of casting reflections upon the hon. Judges of the High Court. One specific statement with reference to the arrears that he made was that the Government were appointing temporary judges, and he added that they have an interest in seeing that the arrears are not disposed of He concluded by saying that they were human and that we cannot shut our eyes to the fact that being only temporary judges they have no interest in clearing off the arrears."

[19th March 1929

Mr. SAMI VENKATACHALAM CHETTI :—" I did not say anything of that sort, Sir."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Again, I am glad to hear that my hon. Friend did not mean what he said. As a matter of fact, I have made a note of what he said. In any case, I wish to emphasize on the floor of this House that all the Judges of the High Court, whether temporary or otherwise, are men of conscience. After all, now there are no temporary judges. The two temporary judges have been made permanent.

" Then my friends stated something with reference to the health of the Judges. With reference to that, I do not want to say very much. I was very glad to hear an observation made by a gentleman occupying the Opposition bench with reference to the Chief Justice, to the effect that he is a man of conscience and that he is a man entirely free from racial prejudice. I may state that he is one of the best Judges of the High Court and he does his best to keep up the reputation of the High Court. (Mr. P. Bhaktavatsulu Nayudu : 'What about his health ?') I do not wish to proceed further on this point. I do not want to reply to the several insinuations and innuendoes made. (Mr. P. Bhaktavatsulu Nayudu : 'What about his health ?')

" Sir, Mr. Madhavan Nayar complained about the posting of cases in the High Court. I may tell him that practically there is no substance in his complaint. There is a blank list prepared. That list contains only civil revision petitions and other matters which ordinarily go before admission courts. It contains no important cases. The system of preparing a blank list exists for the purpose of placing those small matters before any judge without causing disarrangement, if any of the fourteen judges happens to be absent on any day.

" With reference to the administration of justice in the City of Madras one of my hon. Friends stated that as in the case of the administration of criminal justice honorary benches might be constituted for the disposal of petty civil cases. The law does not permit it. There is provision in the Criminal Procedure Code for the constitution of honorary benches, but there is no provision either in the Presidency Small Cause Courts Act or in the City Civil Courts Act for the employment of honorary judges for the disposal of civil disputes. As things stand at present, it is not possible to do so."

* The hon. the PRESIDENT :—" The Demand will be put to the House at 3-33 p.m."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If by that time I do not finish I will sit down."

* The hon. the PRESIDENT :—" If he wants to finish all the points he may have to be more concise."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" (Mr. C. V. Venkataramana Ayyangar : 'What about the Civil Courts Act ?') With reference to the mufassal the Madras Civil Courts Act III of 1873 also does not contemplate the constitution of honorary benches.

" My hon. Friend Mr. Kaleswara Rao spoke about the need for discontinuing the additional Sub-Court at Bezwada. As a matter of fact, the Bar Association at Bezwada had sent to the Government a memorial against the continuance of the Additional Sub-Court at Bezwada. I forwarded that

19th March 1929] [Mr. M. Krishnan Nayar]

memorial to the High Court and the High Court after the receipt of it, recommended the continuance of the Sub-Court there till the end of September. The High Court is the constitutional adviser to the Government and naturally the Government accept its recommendation. Therefore I am sorry to say that I cannot act on the suggestion of my hon. Friend.

"Sir, Mr. Adinarayana Chettiyar referred to the need for having a Munsif's Court at Cheyyar. I may say that the power of fixing the actual place where such courts should be located is, under the Civil Courts Act, left to the High Court. The Government have practically no voice in the matter except ultimately to sanction the expenses of a new court if the High Court wants one."

Mr. T. ADINARAYANA CHETTIYAR :—"A word of personal explanation, Sir."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"As I stated, this representation will be borne in mind. Then with reference to . . ."

Mr. T. ADINARAYANA CHETTIYAR :—"I want to say . . ."

* The hon. the PRESIDENT :—"The hon. Member does not yield. Unless the hon. Member yields, Mr. Adinarayana Chettiyar has no right to address the House. He will kindly resume his seat."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Then with reference to the question of increased remuneration to process-servers, I may say that first-class process-servers in the mufassal get Rs. 15 and the second class Rs. 14 at present. I examined the question of increasing their pay and found that even a small increase of Rs. 3 making their pay Rs. 18 and Rs. 17, respectively, meant an additional expenditure of about three lakhs. It is ultimately a question of finance and I believe that a small increase of two or three rupees will not add to their efficiency or honesty. (Mr. K. V. R. Swami : Living wages.)

"My hon. Friend Mr. Sarabha Reddi referred to the need for appointing process-servers in the village panchayat courts. Sir, under the existing Act, the village peons have to serve the process issued by the panchayats. When the number of cases in any court reaches 200 a year, the Collectors have the power to appoint additional process-servers if they think it necessary and pay them out of the process fees. If my hon. Friends are interested in the matter, they may make representation to the Collectors concerned, who if the number of cases in the panchayat courts reaches 200, will naturally appoint additional process-servers.

"Then, my hon. Friend Mr. Srinivasan suggested the desirability of employing members of the depressed classes as peons and attenders. I may tell him that attention is being paid to this and I will call upon the appointing officers in the mufassal to appoint as far as possible members of the depressed classes for these posts, if suitable men are available.

"My hon. Friend Mr. Karant referred to the convenience of members of the bar at Mangalore. I answered some questions put to me on this subject on the floor of this House. There was also a representation made to me on this subject. I forwarded that representation to the High Court. The High Court got a plan and estimate prepared for the purpose, costing about Rs. 5,050 and forwarded them to the Government with a remark that the

[Mr. M. Krishnan Nayar] [19th March 1929

matter was not urgent. Naturally the plan and estimates were laid aside as the High Court remarked that it was not urgent and the matter was not pursued further.

" There are some other minor points to which I would like to refer. But as there is no time, I resume my seat."

3-30 p.m. * Mr. R. Srinivasa Ayyangar :—" I want to make only one or two remarks and I shall be very brief as I have barely three minutes before me. The observation of the hon. the Law Member with regard to process-servers was highly disappointing and I should like only to refer to one or two points ; I find that the speech that he made by way of reply was somewhat moderate and temperate with respect to the criticisms that we levelled against the Government and as regards some of our criticisms he did not say whether he repudiated the soundness or the correctness thereof. As regards process-servers, the income is 23 lakhs and odd and the expenditure is Rs. 19,96,000, leaving a surplus of 3 lakhs and odd. There are about 1,554 amins drawing a pay ranging from Rs. 15 to Rs. 35. There are 6,287 peons, of whom over 2,000 get a pay of Rs. 15 and others Rs. 14. There is absolutely no reason as to why a portion of the surplus amount above referred to should not be utilized for the purpose of giving them greater and increased pay for which they have been clamouring all along. After all, they only want that their pay may be increased by two or three rupees more.

" As regards copyists, I should like to say that the income from sale of copy stamps comes to 11 lakhs of rupees. I find on the receipt side in the budget estimate that a sum of 11 lakhs of rupees has been put as representing the income from copy stamps. The cost of copyist establishment comes to 4·55 lakhs of rupees, and there is a surplus of a little over 64 lakhs of rupees in Civil and Criminal Administration for the year 1927.

" There is only one other point to which advertence has not been made in the course of the debate and that is the miserable honorarium that is being paid to the mufassal Government Pleaders and Public Prosecutors. In districts where the offices have been bifurcated, Government Pleaders who deal with civil work are being badly treated, the retaining fee paid to them being ridiculously low when compared with the quality and quantity of work turned out by them. They get nothing for opinions on matters which tax them to the utmost. They have to wade through heavy files dealing with knotty questions. The retaining fee must be at least doubled."

The hon. the President :—" Order, order. The question is to reduce the allotment of Rs. 84,13,900 for Administration of Justice by Rs. 100."

The motion was put to vote and declared lost.

A poll was demanded which was taken and the House divided as follows: —

Ayes.

1. Mr A. B. Shetty.
2. ,, Mahmud Schamnad Sahib.
3. ,, V. I. Muniswami Pillai.
4. ,, Daniel Thomas.
5. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
6. Swami A. S. Sahajanandam.
7. Mr. P. C. Venkatapati Raju.
8. ,, K. Koti Reddi.
9. Mr. R. Srinivasa Ayyangar.
10. ,, Sami Venkatachalam Chetti.
11. ,, S. Satyamurti.
12. ,, C. V. Venkataramana Ayyangar.
13. ,, J. A. Saldanha.
14. ,, G. Harisarvottama Rao.
15. ,, Basheer Ahmed Sayeed.
16. ,, C. S. Govindaraja Mudaliyar.
17. ,, Abdul Hameed Khan.

19th March 1929]

Ayes—cont.

18. Mr. L. K. Tulasiram.
19. ,, K. V. R. Swami.
20. ,, D. Narayana Raju.
21. Dr. B. S. Mallayya.
22. Mr. K. R. Karant.
23. ,, K. Madhavan Nayar.
24. ,, C. Obi Reddi.
25. ,, A. Parasurama Rao.
26. ,, C. Ramasomayajulu.
27. ,, T. Adinarayana Chettiyar.
28. ,, P. Bhaktavatsulu Nayudu.
29. Sriman Biswanath Das Mahasayo.
30. Mr. A. Kaleswara Rao.
31. ,, K. Uppi Sahib.
32. Mr. C. N. Muthuranga Mudaliyar.
33. ,, K. P. V. S. Muhammad Meera Ravuttar.
34. ,, C. Venkatarangam Nayudu.
35. ,, K. S. Sivasubramanya Ayyar.
36. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
37. Mr. C. R. Parthasarathi Ayyangar.
38. ,, C. Gopala Menon.
39 Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
40. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
41. Mr. K. Sarabha Reddi.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. The hon. Dr. P. Subbarayan.
8. Mr. Alladi Krishnaswami Ayyar.
9. ,, Hilton Brown.
10. ,, H. A. Watson.
11. ,, C. A. Souter.
12. ,, S. H. Slater.
13. ,, A. McG. C. Tampoe.
14. ,, C. W. E. Cotton.
15. Mr. V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. Sayed Tajudin Sahib Bahadur.
18. Mr. J. Bheemayya.
19. ,, P. J. Gnanavaram Pillai.
20. ,, J. Kuppuswami.
21. Subadar-Major S. A. Nanjappah Bahadur.
22. Mr. N. Siva Raj.
23. ,, S. Subrahmanya Moopanar.
24. ,, S. Venkiah.
25. Rao Sahib R. Srinivasan.
26. Mr. F. E. James.
27. ,, G. Premayya.
28. Rao Bahadur Sir A. P Patro.
29. Diwan Bahadur P. C. Ethirajulu Nayudu.

Neutral.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr. C. D. Appavu Chettiyar.
3. ,, T. M. Narayanaswami Pillai.
4. ,, W. P. A. Soundara Pandia Nadar.
5. ,, S. V. Vanavudaya Gounder.
6. ,, V. Ramjee Rao.
7. The Zamindar of Seithur.
8. Mr. K. P. Raman Menon.
9. ,, T. K Chidambaranatha Mudaliyar.
10. Diwan Bahadur S. Kumaraswami Reddiyar.
11. Rao Bahadur K. Sitarama Reddiyar.
12. ,, B. Muniswami Nayudu.
13. The Zamindar of Mirzapuram.

Ayes 41. Noes 29. Neutral 13.

The motion was carried.

* The hon. the PRESIDENT:—"I now put the main demand. The question is that Government be granted a sum of Rs. 84·14 lakhs *minus* Rs. 100 under Demand XIV—Administration of Justice."

The motion was put to vote and declared lost.

A poll was demanded which was taken and the House divided as follows:—

Ayes.

1. The hon. Sir Norman Majoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Diwan Bahadur P. Kesava Pillai.
9. Mr. Alladi Krishnaswami Ayyar.
10. Mr. Hilton Brown.
11. ,, H. A. Watson.
12. ,, C. A. Souter.
13. ,, S. H. Slater.
14. ,, A. McG. C. Tampoe.
15. ,, C. W. E. Cotton.
16. ,, V. Ch. John.
17. ,, M. A. Manikkavelu Nayakar.
18. Syed Tajudin Sahib Bahadur.
19. Mr. C. D. Appavu Chettiyar.
20. ,, A. B. Shetty.

[19th March 1929

Ayes—cont.

21. Mr. J. Bheemayya.
22. ,, P. J. Gnanavaram Pillai.
23. Mahmud Schamnad Sahib Bahadur.
24. Mr. J. Kuppuswami.
25. Subadar-Major S. A Nanjappah Bahadur.
26. Mr. T. M. Narayanaswami Pillai.
27. ,, N. Siva Raj.
28. ,, V. I. Muniswami Pillai.
29. ,, W. P. A. Soundara Pandia Nadar.
30. ,, S. Subrahmanya Moopanar.
31. ,, Daniel Thomas.
32. ,, S. V. Vanavudaiya Gounder.
33. ,, S. Venkiah.
34. Rao Sahib R. Srinivasan.
35. Mr. C. E. Wood.
36. ,, F. E. James.
37. Khan Bahadur Khalif-ul-lah Sahib Bahadur.
38. Swami A. S. Sahajanandam.
39. Mr. V. Ramjee Rao.
40. ,, G. R. Premayya.
41. ,, K. P. Raman Menon.
42. ,, C. R. Parthasarathi Ayyangar.
43. ,, C. Gopala Menon.
44. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
45 Rao Bahadur Sir A. P. Patro.
46. Diwan Bahadur P. C. Ethirajulu Nayudu.
47. Mr. P. K. Chidambaranatha Mudaliyar.
48. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
49. Diwan Bahadur S. Kumaraswami Reddiyar.
50. Rao Bahadur K. Sitarama Reddi.
51. ,, B. Muniswami Nayudu.
52. Mr. K. Sarabha Reddi.
53. The Zamindar of Mirzapuram.

Noes.

1. Mr. P. C. Venkatapati Raju.
2. ,, K. Koti Reddi.
3. ,, R. Srinivasa Ayyangar.
4. ,, Sami Venkatachalam Chetti.
5. ,, S. Satyamurti.
6. ,, C. V. Venkataramana Ayyangar.
7. ,, J. A. Saldanha.
8. ,, G. Harisarvottama Rao.
9. Basheer Ahmed Sayeed Sahib Bahadur.
10. Mr. C. S. Govindaraja Mudaliyar.
11. Abdul Hameed Khan Sahib Bahadur.
12. Mr. L. K. Tulasiram.
13. ,, K. V. R. Swami.
14. ,, D. Narayana Raju.
15. Dr. B. S. Mallayya.
16. Mr. K. R. Karant.
17. ,, K. Madhavan Nayar.
18. ,, C. Obi Reddi.
19. ,, A. Parasurama Rao.
20. ,, C. Ramasomayajulu.
21. ,, T. Adinarayana Chettiyar.
22. ,, P. Baktavatsulu Nayudu.
23. Sriman Biswanath Das Mahasayo.
24. Mr. A. Kaleswara Rao.
25. ,, K. Uppi Sahib.
26 ,, C. N. Muthuranga Mudaliyar.
27. K. P. V. S. Muhammad Meera Ravuttar Bahadur.
28. Mr. C. Venkatarangam Nayudu.
29. ,, K. S. Sivasubramanya Ayyar.

Ayes 53. Noes 29.

The motion was carried and the grant of Rs. 84·14 lakhs *minus* Rs. 100 was made.

DEMAND XV—JAILS.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the recommendation of His Excellency the Governor I beg to move.

'*that Government be granted a sum not exceeding Rs.* 31·64 *lakhs under Demand XV—Jails* '."

* Mr. S. SATYAMURTI :—" I beg to move—

'*that the allotment of Rs.* 37,000 *for Superintendence be reduced by Rs.* 100.'

" Sir, I wish to draw the attention of the Government to the bad treatment meted out to political prisoners in jails. Sir, political prisoners I should like to define as men who because of their idealogy, of their patriotism and of their sense of self-sacrifice are willing to take the consequences of their actions, even if they involve breach of laws of the powers that be for the time being ; and I am sure every hon. Member of this House will agree with me when I say—whether we agree with them or not—they are the salt of the earth, men who risk anything worth having in life and court imprisonment for the sake of others, be it their country, their religion or humanity.

19th March 1929] [Mr. S. Satyamurti]

"In this connexion, Sir, I should like to remind the House of what Lord Morley wrote to Lord Minto when Mr. Keir Hardie was here. He wrote to the Viceroy and said 'I am glad you met Mr. Keir Hardie. Men of his kind are blind visionaries. But, but for these blind enthusiasts, this slow-moving world of ours will have made no progress whatever.' I should concede, Mr. President, that, so long as there is some established law, those of us breaking the law must and should be willing to bear the consequences. I only plead for the game being played according to the rules of the game. If the Government feel that they should put persons in prison, let them; I am not going to question, on this motion, the policy of political prosecutions or question whether there should be these prosecutions. I may say I entirely agree with my hon. Friend, the Planters' representative, when he said that no political movement can be put down by repression. It has not been so in the history of the world; it will not be so in the future. I am not talking of it now. But as soon as the Government want to pursue a policy of repression, I want them to play the game as among gentlemen. Sir, speaking the other day, Lord Irwin, Viceroy, said that no political progress is possible in this country except with the willing consent of politically minded Indians. I want to put it to my hon. Friend the Law Member who is also administering the portfolio of jails that many of those whom this Government have convicted of political offences or whom they may yet convict of political offences have been or may be found to be the leaders who are the idols of the people of this country, whose voice is heard by millions and who alone can deliver the goods on behalf of the people of India in any agreement between Great Britain and India, now or in the near future. So, it is but right that these gentlemen should be treated as people with whom the Government have only a difference of opinion. They are not ordinary criminals; they are not enemies of society; they are men who look forward and work for a better society. 3-45 p.m.

"Now, Sir, I am sure I have the authority of three distinguished Members of this Council who have spoken on this matter more than once. My hon. Friend, the Chief Minister, crossed the floor, I believe, towards the end of the year 1923, when the then Leader of the Justice Party, Sir Tyagaraja Chettiyar, said that political prisoners ought to be treated as worse than robbers and dacoits. He became highly indignant and crossed the floor saying 'I may be a political offender to-morrow and I cannot subscribe to the doctrine that such offenders ought to be treated as the Leader of the Justice Party stated.' My hon. Friend, the Law Member, has pleaded more than once from his place in the Opposition for the better treatment of political prisoners. My hon. Friend from Chittoor has also pleaded for the better treatment of political prisoners.

"Speaking on the question of the punishment of these political offenders, even from the point of view of the State, if the punishment is vindictive in dealing with high-souled men and women, if I may say so, I may at once mention to this House that such punishments will fail to have their effect. Punishment is always intended for two purposes, to reform the criminal in the jail or to act as a deterrent to others. So far as political offenders are concerned, no punishment will really convert their opinions. Secondly, with regard to the deterrent effect of punishment on these men, I may mention to this House, Sir, that going to jail for political offences has ceased to be looked down upon by anybody. The pleasant way in which the

jail is referred to in many political circles is 'Sri Krishna's birth-place' and the extent of a man's popularity to-day in political circles depends upon the fact whether he has gone to jail. You may agree with that mentality or you may not agree with that mentality. But those who are termed as political criminals have always been in the forefront of the struggle of their country for freedom. I only commend the history of Ireland, the history of Russia, the history of Austria, the history of Italy and last, but not least, the history of England herself, to show that in critical times of war or social or political revolution men who offend the rules of the Government are among the finest products of that society. Therefore they are not likely to be terrorized nor is the fact of the punishment being vindictive upon them going to be deterrent on others. I may mention for example with regard to the burning of foreign cloth, when the Commissioner of Police, Calcutta, arrested Mahatma Gandhi for it, there has been more burning of foreign cloth because of that, than there would have been, if he had not been arrested. Therefore there is no use of the Government expecting that they are going to terrorize the people at all. What I want by this cut is this, that political prisoners, when their freedom is curbed by a sentence of a court of law, should be given the conveniences to which they are accustomed outside the jails. I am not asking for this as a matter of mercy but as a matter of justice, as a matter of fair dealing. As one who conceives swaraj as a practical and early political proposition, I may say that when we shall have the hon. Mr. James, and others as political prisoners we shall treat them just as correctly as we expect the present Government now to treat us. When there is swaraj in India and when they want to overthrow the Government, when that situation arises, we will prosecute them and if they are convicted, put them in prison, but there we shall treat them as first-class demeanants, as political prisoners are treated in any country and will not treat them as political offenders are treated here to-day. It is but right that political offenders, as I said, should have the same dress, the same bedding arrangements, the same convenience for bathing, the same convenience for food, and facilities for reading and writing which are of a literary kind which they would have enjoyed but for conviction.

" Although I recognize that the treatment of prisoners in our jails and also of political prisoners has improved a great deal, thanks to the pioneer activities of prison reformers like my hon. Friend, Mr. Kesava Pillai, much more still remains to be done especially in the matter of food, clothing and other facilities. I think, Sir, there is a great deal more to be done. They are to be freed from hard physical work to which they are not accustomed even though they may be sentenced to undergo rigorous imprisonment. To-day, Sir, European prisoners, those who belong to the community to which my hon. Friend, Mr. James, belongs, even if they commit murder or dacoity, are treated better than Indian criminals, better than Indian political prisoners. I challenge him to deny that statement; they can get tea; they can get toast; they can get breakfast; they get dinner; they get special coats and everything from jails because of their skin. If European prisoners are treated to-day as Indians, then there will be a huge cry. The hon. Mr. James was surprised at our position. He should admire our moderation. This is nothing but racial discrimination. Europeans convicted of murder or dacoity get better treatment than Indian political prisoners. Is it at all just? Is it justified? I put it to the Indian

Law Member to say whether this is a thing which he can honestly get up and justify. I do suggest that this matter should be treated as a matter of all parties. It is possible that every one of us who has got political convictions may come into conflict with law. Take for example Lord Pentland who was Governor of Madras not very long ago who refused to have his children vaccinated. I can conceive of many laws about it. There may be honest difference of opinion and if people break these laws they must take the consequences. I grant such laws. But let the Government play the game, let not the Government be vindictive. I think I am not asking too much and I move this cut."

* Diwan Bahadur P. Kesava Pillai:—" Mr. President, Sir, it is with great pleasure that I second the resolution so ably moved by my hon. Friend Mr. Satyamurti. I have always pleaded for a kind and humane treatment of all prisoners and that due regard should be paid to the prisoners' previous habits of life in the matter of diet and clothing. We have achieved after a long agitation some success.

" Harsh and vindictive treatment of prisoners prevailed even in England for a long period till very recent times. Our Government, the hon. the Law Member knows, have always made racial distinction in the treatment of prisoners, Europeans and Eurasians being given food and clothing in conformity with their habits, while Indians were subject to one harsh uniform treatment as might suit the habits of the lowest class. The Government have, however, now introduced some wholesome changes and they have to do more to satisfy the reformed conceptions of prison treatment.

" I am sure that the hon. the Law Member would endeavour to see that the people convicted for political offences get better treatment than is accorded to ordinary convicts, if that could be done under the present system. If the present system would not allow it, they should change it.

" Once upon a time, some of my hon. Friends sitting in the Opposition had to undergo imprisonment for political offences. They had to suffer hardships like the hardened criminals and eat the coarsest food without any regard to their previous habits. At any rate, the food and the clothing have now changed for the better.

" I entirely agree with my hon. Friend that political prisoners or men convicted for political offences should be more humanely treated. It is wrongly held that prosecutions and imprisonments and cruel treatment would cow down people. On the other hand, political ideas spread and flourish in the wake of repression. See what has occurred in Russia with all its imprisonments and banishments to Siberia and what not. The Czar's Government has toppled over, and the Soviet now rules. So it has been in France and many other countries. Humane treatment will prevent bitterness and hatred spreading. I am not one of those that approve of the practice of burning foreign cloth in market squares or elsewhere to serve the national cause. I would give all that cloth to the poor who are so much in need of some clothing—and when one of these idealists gets into jail, he ought to be treated better than the ordinary criminal who is convicted of a heinous offence. I would appeal to the Government to see that the prisoners convicted for political offences, are treated with due consideration to their culture and habits. The Government have to enforce their laws and defend law and order. The Government will not lose by enforcing the law in a kindly and

[Mr. P. Kesava Pillai] [19th March 1929

humane spirit but are sure to embitter popular feeling against the Government and make matters worse if they do otherwise. I strongly support the resolution."

* Mr. A. KALESWARA RAO :—" Mr. President, Sir, the question of giving better treatment to political prisoners is always a live question. Even to-day some of the best men are in jails. They will have to be so in larger and larger numbers as the movement and the struggle for freedom increases in volume. Sir, we are only in the beginning of a very great struggle that we shall have later on. What we urge as the representatives of the people is that those who go to jails for their conscience, for their ideals, and for the freedom of their motherland, ought to be given the same food, the same clothing and the same bedding as they used to have in their houses. Of course under swaraj, I do not think any free country will send people to jails for their conscience and for speaking something against the existing order of things or against the established Government of the country. Sections 124-A and 153-A of the Indian Penal Code and 108 of the Criminal Procedure Code are all unknown in a constitution like that of the United States of America. Nobody is sent for any free speech, thought or for expression to the jails ."

4 p.m.

* The hon. the PRESIDENT :—" I request the hon. Member to come to the question of the treatment of persons who have become prisoners after those sections have been applied and they have been sent to jail."

* Mr A. KALESWARA RAO :—" Political offences include also those under which violence comes. I would ask for equal treatment of even those who have committed violence if the offence has been committed with a political motive connected with the freedom of the country. We of the Congress party deprecate violence. We do not believe in violence, but all the same the motive ought to be the criterion for giving them better treatment. Now the rule is that there should be no distinction in the treatment of prisoners whether they commit political or ordinary crimes. The Jail Manual lays down that all political prisoners ought to be treated in the same way as dacoits or murderers or those who commit theft or other offences. Of course, under medical examination, things are a little bit improved, probably under some secret instructions from the Government, I do not know. But, the political prisoners are presumed to be treated in the same manner as ordinary prisoners. That is, Sir, they are not given ghee, or buttermilk or anything else, except an ordinary morsel of food as other prisoners are given. Thanks to the labours of my hon. Friend Diwan Bahadur Kesava Pillai, they are given rice instead of cholam. Of course, what Mr. Kesava Pillai attempted to do was that those who were rice-eaters before they went to jail should be given rice food. Rice is given in the case of better-class prisoners. Political prisoners, to whatever caste or creed they may belong, are treated as better class, except that there is nothing to distinguish them from ordinary prisoners. They are also given iron necklaces or iron rings. When they are sentenced to rigorous imprisonment, they are given one or two hard mattresses to lie down upon and one set of small trousers and one set of shirts and two small handkerchiefs for cleaning themselves after bathing; so, there is no difference between a political prisoner and an ordinary convict. I, on behalf of the people of the country of whom I am an elected representative, plead that the Jail Manual should be so modified as to enable persons convicted of political offences to be given special treatment, that is, that they should be given no work and that they should have the same bedding,

clothing and food as they used to have in their homes. That is our plea. We plead that special treatment should be accorded to political prisoners, because canons of civilization require that when you take prisoners of war, you have to treat them as though they are gentlemen. You are already curtailing their liberties by separating them from their families and children, and you take them away from their homes and avocations of life. The only fault is that they carry on propaganda or agitation against Government and therefore their liberty is curtailed and they are to be under restraint. In addition to these restrictions, why these difficulties with regard to food, clothing, etc. ? The Government are putting them in nasty places where they do not even get light and air. These are all really very bad for the Government to do, but in addition to these they are denied proper food and clothing. What we see generally when many of these leading men and women go to jails is that they contract some disease like consumption. We know the case of Andhra Ratna Duggirala Gopalakrishnayya who became consumptive in jail and died later on by that complaint in course of time. For these reasons, I support this cut motion."

* Mr. K. MADHAVAN NAYAR :—" Mr. President, it is no wonder that all the ex-convicts in this Council should be anxious to speak in support of this motion. As an ex-convict myself, my experience in jail enables me to give an authoritative statement on a motion like this. It is true some of us were shown some consideration in jail, because we formed the very first batch after non-co-operation to go to jail, but those that came later on, our successors, were put to much greater indignities and sufferings than we were put to earlier. But, even those that were given preferential treatment, know what hardships and sufferings ordinary prisoners and political prisoners have to undergo in these jails. For the edification of the hon. the Law Member and the Government, I may mention certain facts which the Government may understand and inwardly digest so that without any harm either to themselves or to their prestige, they can effect the necessary reform and entitle themselves to be called a more humane and civilized Government. I may say, at the outset, that political prisoners or persons that are convicted of political offences are not ordinary felons. Those persons like myself were persons who were at one time great loyalists who carried on vigorous campaigns for collecting funds for war, etc., on behalf of this Government. It is because we were driven by circumstances and by the repressive policy of the Government, because of our convictions and in obedience to the dictates of our conscience, that we had to go to jail ; and not because we committed any offence which involved moral turpitude or violence. Why then, I ask, should such prisoners be not given the light, the air, the food, the clothing and other things which such persons are otherwise entitled to ordinarily ? That is the thing that I do not understand. Let them be incarcerated, let them be kept within the four walls of the jails, let them not be allowed to interfere with people outside and influence them to commit similar offences or other acts which the Government consider wrong, but why, in the name of common sense and humanity, I ask, why should they be denied the ordinary comforts and privileges of human beings ? This I fail to see. While I was in prison, I was locked up in a small cell 9 feet by 5 feet, or so with no windows, but with one door opening to the front. At 5 o'clock we used to be locked up, we were not given any light to be used inside the cell, but one or two pots for answering the calls of nature which will be stinking all the

night through and with which we had put up till next morning. The prisoners are given very coarse food. The very appearance of this food is repulsive. Probably, there is nothing hygienically wrong with the food, but the colour and the appearance of it and the pot in which it is given make it far from attractive. They are given only one curry day in and day out and the curry also, whatever its chemical composition, is of the poorest quality.

"Then, Sir, it is another rule that the prisoner ought not to know anything about what is transpiring in the outside world. Newspapers are a thing which are tabooed completely so far as these prisoners are concerned. I can understand their being prevented from having any communication with people outside, but why they should be kept out of all information of the world outside, why they should be prevented from knowing what is going on in the world, that is a thing which passes my comprehension. Let them not be given if you please, Sir, these extremist papers which the Government considers undesirable or dangerous, say the *Hindu* or the *Swarajya*. But why not give them the *Madras Mail* or the *Times of India* which even the Government considers unobjectionable or, as some friends suggest, the *Justice*. Let some papers be given, whatever they be, so that they may know what is going on in the world and so that when they come out of the jail after 14 years or 20 years they may not be Rip Van Winkles. That is one thing which the Government have to consider, digest and reform. Another thing which I wish to mention in this connexion is the indignities which these prisoners are subjected to. I do not know whether any reform has been effected now so far as this matter is concerned, but in those days the ordinary prisoners and prisoners convicted of political offences had to remove the refuse, the urine, night-soil, etc., in the morning, themselves. If such things obtain even now it is a matter on which Government ought to bestow some attention and effect a change. I might also mention in this connexion that political prisoners, who are convicted not because they are guilty of any violence or offences involving moral turpitude but because of their conscience and conviction, ought to be given preferential treatment in a way different from that accorded to the ordinary prisoners.

4-15 p.m. "Generally persons who go to jails as political prisoners are persons of some position in life and accustomed to a certain kind of food and clothing, etc. If the Government cannot afford to provide them with food and clothing they are accustomed to, why not allow the prisoners to have their own clothing and food? Why not permit their relations or friends to supply them with these? Some improvements can be made with regard to the supply of books and magazines, in giving more light and air and such other comforts and freedom that will not detract from the restrictions which are absolutely essential to be imposed on such prisoners. Therefore, I submit, Sir, it is high time for Members of Government, especially for those who are Indians to see that some reform is made in the rules regulating the treatment of political prisoners.

"In this connexion I may make some reference to Mr. M. P. Narayana Menon." (Mr. K. R. Karant:—Hear, hear.)

*The hon. the PRESIDENT:—"Is the hon. Member sure that he was convicted of a political offence?"

19th March 1929]

Mr. K. MADHAVAN NAYAR :—" Yes, Sir. Sir, you will have observed that I am speaking with very great restraint, and I shall continue to do so even when I have to speak about Narayana Menon, a matter in which I feel strongly. With regard to Mr. Narayana Menon you know, Sir, that the Government have agreed to release him provided he gives an undertaking. They had gone further and stated in the Council that they would release him even if two of his friends give an undertaking on his behalf. He is therefore entitled to his liberty any day he chooses to avail of this offer. May I know why should that man be denied even ordinary comforts ? I saw him recently and he told me that he has never entertained any hope of being set free and that he had no delusion that he would be released even during the regime of Diwan Bahadur M. Krishnan Nayar. At least he expected some small comforts, in jail during his term of office but he is obliged to give up even that hope. He is now put in along with some Eurasians whose society he does not like and he told me that his wishes for a change would not be complied with. It is not because the Law Member, the person who is in charge of the Jail Department, is not willing to grant that concession but because he is afraid to displease the Superintendent of the Jails or the Inspector-General of Prisons. (Laughter.) That shows the slave mentality of even the highest of our Indian officials. I do not deny that our present Law Member is not a man of good intentions. I know as a matter of fact he is very sympathetic and kind. But however sympathetic and however well-intentioned he may be, he is incapable of carrying out those intentions and translate his sympathy into action. I do not believe even for a moment that what I say will have any effect upon this Government. My only object is to make the Council and the public know all these things. I submit Sir, therefore, that this Government ought to be censured for their inhuman treatment of prisoners and especially of political prisoners."

* Mr. K. V. R. SWAMI :—" Sir, my friends talk as if there is anything like the term 'political prisoners' in the Jail Code. Let them search the Code from cover to cover, I shall tell them they cannot find any phrase like that. But there is one provision for better people, that is for people whom they consider as better people. There is one division called special division and it is defined as follows in the Code.

'Special division prisoners are prisoners who have been selected for inclusion in that division by the convicting court and the order of the court is subject to confirmation by the Government and pending such confirmation the prisoners so selected shall be treated as under-trial prisoners.'

" That is the only provision we have in the Code and perhaps the hon. the Law Member may say that that provision is there only for the political prisoners. Sir, one Superintendent of a jail told me that there was nothing like political prisoners in jails. So if a political prisoner has to claim better treatment he will have to satisfy a number of people. He will have first to satisfy the convicting court and if the court is pleased to grant that, then Government have to be approached, the Law Member, whoever he might be, or the whole Cabinet will have to meet, for it is a very important matter (laughter) and consider this and come to a conclusion perhaps in a year or two, and finally it may be rejected. We have the recent instance of the trial of Mr. Bulusu Sambamurthi. He was kept standing for hours and hours

[Mr. K. V. R. Swami] [19th March 1929

together. I have seen instances where the trying Judges have provided chairs for the accused while in dock, but here the magistrate refused permission to Mr. Sambamurti to sit on the floor."

*The hon. the PRESIDENT :—"May I point out to the hon. Member that the scope of the debate is the treatment of the prisoners in jail and not the treatment of persons by the court."

Mr. K. V. R. SWAMI :—"I am referring to this to show how difficult it would be to get permission under the special provision. After the consent of the trying court is obtained the question will have to be examined by the Cabinet, because the existence of this very Government depends on that, and we may suppose better counsels would prevail; but finally it will fall, not because of want of sympathy, or want of knowledge of the real state of affairs but because the officer happens to be an Indian and finding the other members (who are Englishmen) strong on the point, he too wishes to be strong, or at least to appear to be strong in the eye of his colleagues and so the matter will be finally thrown off. But supposing the prisoner is put under the special division; what happens? He must supply himself with all his wants. For this he must be a rich man. Generally it happens that political prisoners are not rich men; but the Government do not arrest them until they have spent their earning in political propaganda work and thus when they are arrested and imprisoned they would have no money to supply themselves with provisions. Even supposing a prisoner happens to be rich his whereabouts may not be made known to his relatives; and in this connexion we may note how for some time the whole India was kept in the dark as to the jail in which Mahatma Gandhi was being kept. The consequence is the prisoner will have to starve the whole period; and Government will not move its little finger to supply him with the necessaries. In this connexion the House must remember that these prisoners do not get even that treatment that is meted out to the European rogues, dacoits and murderers. Thus you will see that in spite of the tall talk of equality of treatment there is the racial discrimination.

4-30 p.m. "If one looks into the Code he will find that the food which is given to a political prisoner who is placed in a special division is not in any way comparable to the food given to the European prisoners whatever atrocious crimes they might have been guilty of. That is the situation. The reason why we make this motion to-day is not because we have got the hope of succeeding, but we do so with the hope that the Government would show to this Council and the prisoners some generosity by saying that they would like that these political prisoners might be given better treatment. My hon. Friend Mr. Kesava Pillai was thinking that the old times have changed and now we have got into better times. There were times when political prisoners attempted to commit suicide because they got so much despaired of their life, owing to the treatment they received in the prison. Perhaps such things are happening now. It would not be proper to tire this House by recitations of these things. But I may say that when the treatment given to one was so bad that the prisoner refused to take food, the Superintendent said 'I do not care if you die; but I would see that the world must not know that you have died here.' What I submit is that if the Government want to do anything in this matter there must be some rule inserted in the Code. Without that rule in the Jail Code, representations to this Council, to the Executive Government or to every one in the world would be of no use at all. If Government want

to do anything for the political prisoners, they must bear the extra charge of providing them with extras. Otherwise there will be no good, as every prisoner cannot afford to provide for the extra charges. With these words, I support this motion."

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I rise to speak on this motion not to plead for any generosity for the political prisoners. I stand here to demand the rights of political prisoners. (Hear, hear.) To-day's rebel is to-morrow's ruler. To-day's extremist is to-morrow's Minister. And therefore all countries in the world, all civilized countries have accepted the policy of dealing with political prisoners as if they were the equals of the administrators. There is absolutely no doubt that even in ancient times political opponents, the bitterest opponents, opponents whom a man could have liked to do away with on the battle-field, opponents of that nature were treated on equal terms with the king himself. And to-day in democracies there is no question of political prisoners being anything different from the administrators of the country when the time arrives for them to administer and to deserve the vote of the country. The prisoner of 1908 is to-day in the position of the opponent of the British Government on these benches and if he chose, if his party chose, he could have administered this province as much as the men on the Treasury bench are administering it to-day. Therefore, I claim on behalf of the political prisoners that the treatment to be meted out to them should be equal to the treatment that might be meted out to the equals of administrators. Now, Sir, that is the reason why civilized countries have admitted the claim of political prisoners for special treatment and accorded them such treatment. But in this country, remaining as we are under British domination, under bureaucratic domination of the worst type, under the domination of businessmen like my Friend the representative of the Planters' Association who would rather not have us here, as we are under this domination, this Government has been practising the barbarity of the antediluvian ages against its political opponents. I have myself been in His Majesty's prison for three years. That was in olden days and the worst of it I have had to suffer. I am not sorry for suffering the worst of it. I am on the other hand glad that I am able to add to the volume of the opposition to the Government in this country. I am equally glad to think that I stand the chance of defeating the Government every day on the floor of this House on account of that suffering. Otherwise this Government would never have yielded one inch. This bureaucracy would never have shaken in its place. But the treatment of political prisoners has remained what it was in those days except for a tinkering here and a tinkering there. The whole angle of vision has to change if really the boast of democracy has to be maintained by the Treasury benches in this House. If really the Ministers are sincere in their protestations of representing the people, if really the Government is sincere in its protestations that it is prepared to grant a democratic system of Government to this country, the whole angle of vision with regard to political prisoners must change. The political prisoner is really the man on whom the future of the country depends either for good or for evil. It does not matter what hue the political opinion of a man may take. He may hold extremist views and yet he is entitle to better treatment at the hands of the people who claim to guide the destinies of democracy. On that ground I claim that a special division and a special treatment should be accorded to political prisoners, not the special division or ward that exists to-day, not the

[Mr. G. Harisarvottama Rao] [19th March 1929

kind of concession which the executive authority may be prepared to make for certain people out of mere generosity. Generosity is not the thing that I claim on behalf of the political prisoner. If so, it would be open to the Government to say that they shall not be generous in some cases they may not like. It is open to the Government to say now that they would adopt the barbarous practices of olden times, even practices much more barbarous than the practices of olden times, to say that they shall restrict, that they shall repress and try to trample under foot the mental convictions, to trample under foot the moral convictions and the political convictions of men, try to oppress humanity and drive them out of their ideals of high patriotism. It is open to them to do so and to maintain that the worst treatment should be accorded to political prisoners. It is equally open to them to say that they confess that the ideals of the world have progressed in matters political, that they confess that there should be freedom of thought and expression, that they confess that for purposes of mere administration they have to deal with certain people in a rigorous manner, that they confess that they will change their whole angle of vision and deal with political prisoners as they ought to. It is open to them to say what they are willing to do, whether they are willing to say that they are prepared to go on in the old barbarous way, and that they are prepared to accept the challenge from those who are for political advancement. But if they are prepared to say that they will behave in a gentlemanly fashion, in the fashion in which true democrats should behave to these political prisoners, so much the better for them. They will be elevating themselves in the eyes of the world if they pursue a better policy, if they abolish the present policy and do away with the iron ring and the iron chain and the rest of it. The present special division is no good. I doubt if it can be of any use even if the magistrate chooses when the imprisonment is rigorous. I doubt very much if this special class is of any advantage. It is a special class provided for with a different purpose in the Jail Manual before these political prisoners were ever thought of as an entity in the political life of this country. We know between 1908 and 1914 the Government never thought of the political prisoners as they are doing now. It is only after the age of Gandhi dawned on this country, the Government came to its senses and found that political prisoners have to be treated a little differently if human sentiment has to be satisfied. Having recognized it, though tardily, they may be expected to put their own views into execution, to look at it from a different angle of vision and create a new class of 'political prisoners' so that they may have the best treatment that it is possible to give to opponents. I have therefore great pleasure in supporting this motion."

* The hon. Diwan Bahadur M. Krishnan Nayar :—" Sir, I may begin by stating that the distinction between prisoners who are called political prisoners and other prisoners is one that does not exist in any country in the world. (A Voice :—' He does not know'). As regards political prisoners, there are prisoners and prisoners. I can very well understand the ideas, the feelings and the opinions of persons like some of my hon. Friends who have spoken in this House I can respect their feelings however much I may differ from them. But are all political prisoners of the same class, Sir? For that matter, Kudhiram Bose who threw a bomb and killed two innocent women in Calcutta some years ago was a political prisoner. Would my Friends push their arguments to their logical conclusions and say that persons who are guilty of murders and attempts to murder for political purposes should also be treated as

political prisoners and should receive a treatment different from that which is meted out to other prisoners? (Mr. S. Satyamurti :—'They are usually hanged.') What about the person who threw a bomb at His Excellency Lord Hardinge, the Viceroy. Fortunately for the country he did not die, and if it had been found possible to detect and arrest the offender (Mr. G. Harisarvottama Rao :—'Remember General Dyer'), he would have been sentenced to severe punishment. But still he is a political prisoner. (A voice :—'What about Dyer?') Would my Friends plead here that the person who threw that bomb on the Viceroy should have been treated in the same way as respectable 'political' prisoners who are guilty of only minor offences and who are capable of high motives are treated? So that, I submit it is not possible to place all political prisoners in the same category. And again, we often hear of what are called political dacoits, persons who commit dacoities for the purpose of earning money with the object of advancing their political aims. Should those persons be treated in the same manner as persons like Mahatma Gandhi? (Mr. S. Satyamurti :—'What about them? How are you treating them?) So that I submit this distinction between political prisoners and other prisoners is one that cannot be carried into actual practice. Distinction should be made between persons and persons, and probably this interruption from the other side shows that they have now discovered the untenability of their position. It is only when these things are pointed out to them that the patent absurdity of their plea dawns upon their minds. So that, it is not possible and it is not desirable to treat what are called political prisoners in a way different from that in which the other prisoners are treated.

"My Friend, Mr. Kaleswara Rao, made a statement which took my breath away—my other friends Mr. Harisarvottama Rao and Mr. Madhavan Nayar did not say so. Mr. Kaleswara Rao said that motive alone should be taken into consideration. My other Friends did not specifically say that 'political' prisoners who are guilty of violence should be treated in a kinder way than that in which other prisoners are treated. I am surprised that my Friend, Mr. Kaleswara Rao, went to the length of saying, and even emphasized it, that motive alone in crimes should be taken into consideration, and that even persons who are guilty of violence, if that violence was done in furtherance of a political object, should be treated differently from other prisoners. I do not know whether he realizes the consequences of his statement. 4-45 p.m.

"Having said that, I may as well state here that I am myself of opinion that persons who are not guilty of serious offences, but who are guilty of only trivial offences due to objections arising from conscience, arising from political opinions, persons who are induced to commit crimes on account of those motives, should be treated in a kinder way. But what I say further is that there is provision in the Jail Manual even to-day for such treatment. (A voice : 'Why don't you do it?') For instance, my hon. Friends Mr. Swami and Mr. Harisarvottama Rao referred to what is known as 'special division' prisoners. There is a provision in the Jail Manual to that effect. There is a provision that persons who are sentenced to simple imprisonment can be ordered by the Magistrate or the Judge sentencing them to be placed in what are called 'special divisions' on account of their education, on account of their position, on account of their attainments, on account of their station in life which they were occupying till then. They

are called 'special division' prisoners. And I may tell my friends that there were such prisoners in our jails in 1923 and 1924. (A voice: How many now?) They are not compelled to keep company with other prisoners. (A voice: What about your friend Mr. Narayana Menon?) They are allowed to have their own bedding, their own clothing, their own books and their own furniture. With reference to my friend Mr. Madhavan Nayar's statement regarding Mr. Narayana Menon, I am rather surprised at the statement made by him. I myself visited the Madras Penitentiary where Mr. Narayana Menon is confined, and I had a long talk with him for about an hour. He told me plainly, specifically, clearly that he was treated very well and very kindly and that he had no complaint whatever, so far as treatment in prison was concerned. His complaint of course was that he was not yet released. When I went there he was reading the 'Bhagavat Gita'. All the comforts that are possible to a prisoner are given to him, and he has gained in weight, so that I was surprised when my friend Mr. Madhavan Nayar made that statement as to the information that he received from Narayana Menon. I submit, Sir, that it is not possible to place 'political' prisoners on a plane different from that on which other prisoners are placed. The existing law as stated has made provision for treatment of high-class persons who have the misfortune to be convicted, in a different manner."

* Mr. K. MADHAVAN NAYAR :—"Sir, a word by way of personal explanation. The statement made by the hon. the Law Member might imply that I have not made a true statement before the House. I saw Mr. Narayana Menon two days ago and he entrusted me with the mission of telling the hon. Diwan Bahadur Krishnan Nayar that he has given up all hopes of getting even the ordinary comforts in the jail. He wanted me to tell this to him. It is not my practice to go to the Government Members and make requests. I have not done that hitherto."

* Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, I was rather surprised at the speech of the hon. the Law Member. (Hear, hear, and cheers.) For the last ten years, this question of the treatment of political prisoners has been practically an annual. (A voice: Hardy annual.) When I first entered this Council and when such a resolution was moved, it was usual for the Members of the Cabinet to criticise and say that the resolution was not properly worded, that as worded the resolution could not be accepted and so on. The hon. Diwan Bahadur Krishnan Nayar has been accustomed to that kind of answer. Instead of accepting the spirit of the resolution the member has criticised the wording. In this matter, I am of opinion that the Government have not been doing the right thing. The Government should give up the spirit of mere criticism of the resolution but should give a satisfactory reply on the point. Nobody says that a man who is guilty of grave crimes, such as dacoity or murder should be treated as a political prisoner. What is asked for here is that respectable persons who owing to conscientious scruples or for other reasons have submitted to imprisonment, like Mr. Sambamurti, should be treated in a better way. Is Mr. Sambamurti to be treated like an ordinary felon? Is he not to be given a better position and better treatment? That is all we ask. Instead of going through the regulations and satisfying himself as to the necessity or otherwise for relaxing the rules in special cases, the member is giving the stereotyped reply usual to Government Members. I am sorry he has become too bureaucratic (hear, hear, and laughter), and I hope that hereafter at least when we discuss

19th March 1929] [Mr. B. Muniswami Nayudu]

matters of this sort he would assume a more sympathetic attitude and try to tell us, his colleagues, whatever views he may have and enter into the spirit of the matter without attempting stereotyped replies. I hope in that spirit Mr. Krishnan Nayar would see what reforms he can introduce with a view to minimise the sufferings of the political prisoners who are mostly educated people and have submitted to the punishment owing to conscientious scruples."

The motion was put and declared lost.

Mr. Harisarvottama Rao asked for a poll, and the House divided thus:

Ayes.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr. A. B. Shetty.
3. Swami A. S. Sahajanandam.
4. Mr. G. R. Premayya.
5. ,, V. Ramjee Rao.
6. ,, P. C. Venkatapati Raju.
7. ,, K. Koti Reddi.
8. ,, R. Srinivasa Ayyangar.
9. ,, Sami Venkatachalam Chetti.
10. ,, S. Satyamurti
11. ,, C. V. Venkataramana Ayyangar.
12. ,, J. A. Saldanha.
13. ,, G. Harisarvottama Rao.
14. Basheer Ahmed Sayeed Sahib Bahadur.
15. Mr. C. S. Govindaraja Mudaliyar.
16. Abdul Hameed Khan Sahib Bahadur.
17. Mr. L. K. Tulasiram.
18. ,, K. V. R. Swami.
19. ,, D. Narayana Raju.
20. Dr. B. S. Mallayya.
21. Mr. K. R. Karant.
22. ,, K Madhavan Nayar.
23. ,, C Obi Reddi.
24. ,, A. Parasurama Rao.
25. ,, C. Ramasomayajulu.
26. Mr. T. Adinarayana Chettiyar.
27. Sriman Biswanath Das Mahasayo.
28. Mr. A. Kaleswara Rao.
29. ,, K. Uppi Sahib.
30. ,, C. N. Muthuranga Mudaliyar.
31. ,, K. S. Sivasubrahmanya Ayyar.
32. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
33. Zamindar of Seithur.
34. Mr. K. P. Raman Menon.
35. ,, C. R. Parthasarathi Ayyangar.
36. ,, R. Nagan Gowda.
37. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
38. Rao Bahadur Sir A. P. Patro.
39. Diwan Bahadur P. C. Ethirajulu Nayudu.
40. Mr. P. T. Rajan.
41. ,, T. K. Chidambaranatha Mudaliyar.
42. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
43. Rao Bahadur K. Sitarama Reddi.
44. Rao Bahadur B. Muniswami Nayudu.
45. The Zamindar of Mirzapuram.
46. Mr. A. V. Bhanoji Rao.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. Mr. Hilton Brown.
6. ,, H. A. Watson.
7. ,, C. A. Souter.
8. ,, S. H. Slater.
9. Mr. A McG. C. Tampoe.
10. ,, C. W. E. Cotton.
11. ,, V. Ch. John.
12. ,, S. Subrahmanya Moopanar.
13. Rao Sahib R. Srinivasan.
14. Subadar-Major S. A. Nanjappah Bahadur.
15. Rao Sahib L. C. Guruswami.
16. Mr. V. I. Muniswami Pillai.
17. ,, R. Foulkes.
18. Mahmud Schamnad Sahib Bahadur.

Neutral.

1. The hon. Mr. M. R. Seturatnam Ayyar.
2. ,, Mr. S. Muthiah Mudaliyar.
3. ,, Dr. P. Subbarayan.
4. Mr. M. A. Manikkavelu Nayakar.
5. Syed Tajudin Sahib Bahadur.
6. Mr. J. Bheemayya.
7. ,, S. V. Vanavudaiya Goundar.
8. ,, S. Venkiah.

Ayes 46. Noes 18. Neutral 8.

The motion was carried.

(There were cries of 'resign, resign' from Congress benches when the result of the poll was declared.)

The Council adjourned to re-assemble at 11 a.m. next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX

[Vide answer to question No. 1782 asked by Mr. C. Ramasomayajulu at the meeting of the Legislative Council held on the 19th March 1929, page 383 supra.]

G.O. Mis. No. 1019, L. & M., dated 28th February 1929.

READ—the following paper :—

From the Chairman, Municipal Council, Cocanada, Cur. No. 23/Sup. of 1929, dated 8th February 1929.

Order—Mis. No. 1019, *L. & M., dated 28th February* 1929.

The Government are unable to grant the request made by the Cocanada Municipal Council in its resolution No. 441, dated 4th February 1929. In view however of the difficulties referred to in the Chairman's letter they now permit the Municipal Council to utilize a portion of its water and drainage tax fund for the payment of the annuities due in 1929–30 on the loans taken for the Electric Lighting Scheme. Any amount diverted should be made good in 1930–31.

(By order of the Government, Ministry of Education and Local Self-Government)

S. RANGANATHAN,
Deputy Secretary to Government.

To the Chairman, Municipal Council, Cocanada.